

visions relating to probation, commitment to custody of Attorney General, duties of Attorney General, and procedures aiding court in determining whether to place juvenile on probation or commit him to custody of Attorney General.

1962—Pub. L. 87-428 added fourth par. authorizing commitment of a juvenile delinquent to the custody of the Attorney General for observation and study.

CHANGE OF NAME

Words “magistrate judge” substituted for “magistrate” in catchline and wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

REPEALS

Section 504 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1135, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, § 307, Dec. 21, 2018, 132 Stat. 5152.

§ 5035. Detention prior to disposition

A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.

(June 25, 1948, ch. 645, 62 Stat. 858; Pub. L. 93-415, title V, § 505, Sept. 7, 1974, 88 Stat. 1135.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 925 (June 16, 1938, ch. 486, § 5, 52 Stat. 765).

Minor changes were made in arrangement and phraseology.

AMENDMENTS

1974—Pub. L. 93-415 amended section generally, substituting “Detention prior to disposition”, for “Arrest, detention and bail” in section catchline, striking out provisions relating to discretionary power of arresting officer or marshal to confine juvenile in jail, provisions relating to bail and default of bail, and inserting provisions relating to mandatory separation of juvenile from adjudicated delinquents, and provisions relating to the physical conditions of confining facility.

REPEALS

Section 505 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1135, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, § 307, Dec. 21, 2018, 132 Stat. 5152.

§ 5036. Speedy trial

If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney

General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated.

(June 25, 1948, ch. 645, 62 Stat. 858; Pub. L. 93-415, title V, § 506, Sept. 7, 1974, 88 Stat. 1136.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 926 (June 16, 1938, ch. 486, § 6, 52 Stat. 766).

The words “foster homes” were inserted to remove any doubt as to the authority to commit to such foster homes in accordance with past and present administrative practice.

AMENDMENTS

1974—Pub. L. 93-415 amended section generally, substituting “Speedy trial” for “Contracts for support; payment” in section catchline, and substituting provisions relating to dismissal of information due to delay, for provisions relating to contracts with public or private agencies for custody and care of juvenile delinquents.

REPEALS

Section 506 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1136, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, § 307, Dec. 21, 2018, 132 Stat. 5152.

§ 5037. Dispositional hearing

(a) If the court finds a juvenile to be a juvenile delinquent, the court shall hold a dispositional hearing concerning the appropriate disposition no later than twenty court days after the juvenile delinquency hearing unless the court has ordered further study pursuant to subsection (d). After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, place him on probation, or commit him to official detention which may include a term of juvenile delinquent supervision to follow detention. In addition, the court may enter an order of restitution pursuant to section 3556. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend—

(1) in the case of a juvenile who is less than eighteen years old, beyond the lesser of—

(A) the date when the juvenile becomes twenty-one years old; or

(B) the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult; or

(2) in the case of a juvenile who is between eighteen and twenty-one years old, beyond the lesser of—

(A) three years; or

(B) the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult.