

detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of State and local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or post-mortem operation under the law of the State in which the facility is located.

(Added Pub. L. 99-646, §67(a), Nov. 10, 1986, 100 Stat. 3616.)

§ 4046. Shock incarceration program

(a) The Bureau of Prisons may place in a shock incarceration program any person who is sentenced to a term of imprisonment of more than 12, but not more than 30, months, if such person consents to that placement.

(b) For such initial portion of the term of imprisonment as the Bureau of Prisons may determine, not to exceed 6 months, an inmate in the shock incarceration program shall be required to—

(1) adhere to a highly regimented schedule that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training; and

(2) participate in appropriate job training and educational programs (including literacy programs) and drug, alcohol, and other counseling programs.

(c) An inmate who in the judgment of the Director of the Bureau of Prisons has successfully completed the required period of shock incarceration shall remain in the custody of the Bureau for such period (not to exceed the remainder of the prison term otherwise required by law to be served by that inmate), and under such conditions, as the Bureau deems appropriate.

(Added Pub. L. 101-647, title XXX, §3001(a), Nov. 29, 1990, 104 Stat. 4915.)

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 101-647, title XXX, §3002, Nov. 29, 1990, 104 Stat. 4915, provided that: "There are authorized to be appropriated for fiscal year 1990 and each fiscal year thereafter such sums as may be necessary to carry out the shock incarceration program established under the amendments made by this Act [see Tables for classification]".

§ 4047. Prison impact assessments

(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated in Federal penal institutions shall be accompanied by a prison impact statement (as defined in subsection (b)).

(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact as-

sessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 21 days of any request. A prison impact assessment shall include—

(1) projections of the impact on prison, probation, and post prison supervision populations;

(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.

(Added Pub. L. 103-322, title II, §20402(a), Sept. 13, 1994, 108 Stat. 1824.)

§ 4048. Fees for health care services for prisoners

(a) DEFINITIONS.—In this section—

(1) the term "account" means the trust fund account (or institutional equivalent) of a prisoner;

(2) the term "Director" means the Director of the Bureau of Prisons;

(3) the term "health care provider" means any person who is—

(A) authorized by the Director to provide health care services; and

(B) operating within the scope of such authorization;

(4) the term "health care visit"—

(A) means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

(B) does not include a visit initiated by a prisoner—

(i) pursuant to a staff referral; or

(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

(5) the term "prisoner" means—

(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

(b) FEES FOR HEALTH CARE SERVICES.—

(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for

health care services provided in connection with each health care visit requested by a prisoner.

(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventive health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment, as determined by the Director.

(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than \$1.

(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section. However, each such prisoner shall be given a reasonable opportunity to dispute the amount of the fee or whether the prisoner qualifies under an exclusion under this section.

(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

(1) the account of the prisoner is insolvent; or

(2) the prisoner is otherwise unable to pay a fee assessed under this section.

(g) USE OF AMOUNTS.—

(1) RESTITUTION OF SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601);¹ and

(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

(h) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this section and the applicability of this section to the prisoner. Notwithstanding any other provision of this section, a fee under this section may not be assessed against, or collected from, such person—

(1) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

(2) for services provided before the expiration of such period.

(i) NOTICE TO PRISONERS OF REGULATIONS.—The regulations promulgated by the Director under subsection (b)(1), and any amendments to those regulations, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of those regulations (or amendments, as the case may be). A fee under this section may not be assessed against, or collected from, a prisoner pursuant to such regulations (or amendments, as the case may be) for services provided before the expiration of such period.

(j) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed regulation under this section is open to public comment, the Director shall provide written and oral notice of the provisions of that proposed regulation to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed regulation.

(k) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, and annually thereafter, the Director shall transmit to Congress a report, which shall include—

(1) a description of the amounts collected under this section during the preceding 12-month period;

(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of health care visits by prisoners;

(3) an itemization of the cost of implementing and administering the program;

(4) a description of current inmate health status indicators as compared to the year prior to enactment; and

(5) a description of the quality of health care services provided to inmates during the preceding 12-month period, as compared with the quality of those services provided during the 12-month period ending on the date of the enactment of such Act.

(l) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—The Bureau of Prisons shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of the Bureau of Prisons when medically appropriate. The Bureau of Prisons may not assess or collect a fee under this section for providing such coverage.

(Added Pub. L. 106-294, §2(a), Oct. 12, 2000, 114 Stat. 1038.)

REFERENCES IN TEXT

Section 1402 of the Victims of Crime Act of 1984, referred to in subsec. (g)(2)(A), is section 1402 of chapter XIV of title II of Pub. L. 98-473, which was classified to section 10601 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 20101 of Title 34, Crime Control and Law Enforcement.

¹ See References in Text note below.

The date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, referred to in subsec. (k), is the date of enactment of Pub. L. 106-294, which was approved Oct. 12, 2000.

§ 4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray

(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

(1) any officer or employee of the Bureau of Prisons who—

(A) is employed in a prison that is not a minimum or low security prison; and

(B) may respond to an emergency situation in such a prison; and

(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

(b) TRAINING REQUIREMENT.—

(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for conducting the officer or employee's regular duties.

(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.

(Added Pub. L. 114-133, §2(a), Mar. 9, 2016, 130 Stat. 296.)

§ 4050. Secure firearms storage

(a) DEFINITIONS.—In this section—

(1) the term "employee" means a qualified law enforcement officer employed by the Bureau of Prisons; and

(2) the terms "firearm" and "qualified law enforcement officer" have the meanings given those terms under section 926B.

(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each

chief executive officer of a Federal penal or correctional institution—

(1)(A) provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms; or

(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.

(Added Pub. L. 115-391, title II, §202(a), Dec. 21, 2018, 132 Stat. 5216.)

CHAPTER 305—COMMITMENT AND TRANSFER

<p>Sec. 4081. 4082. 4083. 4084. 4085. 4086.</p>	<p>Classification and treatment of prisoners. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough. Penitentiary imprisonment; consent. Repealed. Repealed. Temporary safe-keeping of federal offenders by marshals.</p>
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AMENDMENTS

1996—Pub. L. 104-294, title VI, §601(f)(14), Oct. 11, 1996, 110 Stat. 3500, substituted "centers;" for "centers," in item 4082.

1984—Pub. L. 98-473, title II, §218(e), Oct. 12, 1984, 98 Stat. 2027, substituted "Repealed" for "Copy of commitment delivered with prisoner" in item 4084, and "Repealed" for "Transfer for state offense; expense" in item 4085.

1965—Pub. L. 89-176, §2, Sept. 10, 1965, 79 Stat. 675, substituted "residential treatment centers, extension of limits of confinement; work furlough" for "transfer" in item 4082.

§ 4081. Classification and treatment of prisoners

The Federal penal and correctional institutions shall be so planned and limited in size as to facilitate the development of an integrated system which will assure the proper classification and segregation of Federal prisoners according to the nature of the offenses committed, the character and mental condition of the prisoners, and such other factors as should be considered in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions.

(June 25, 1948, ch. 645, 62 Stat. 850.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §907 (May 27, 1930, ch. 339, §7, 46 Stat. 390).

Language of section is so changed as to make one policy for all institutions, thus clarifying the manifest intent of Congress.

Minor changes were made in phraseology.

§ 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough

(a) The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the cus-