

1988—Subsec. (a)(1). Pub. L. 100-690, §7085, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “in the case of a misdemeanor—

“(A) the amount of \$25 if the defendant is an individual; and

“(B) the amount of \$100 if the defendant is a person other than an individual; and”.

Subsec. (c). Pub. L. 100-690, §7082(b), inserted at end “This subsection shall apply to all assessments irrespective of the date of imposition.”

1987—Subsecs. (c), (d). Pub. L. 100-185 added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 effective, to extent constitutionally permissible, for sentencing proceedings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

EFFECTIVE DATE

Section effective 30 days after Oct. 12, 1984, see section 1409(a) of Pub. L. 98-473, set out as a note under section 20101 of Title 34, Crime Control and Law Enforcement.

§ 3014. Additional special assessment

(a) IN GENERAL.—Beginning on the date of enactment of the Justice for Victims of Trafficking Act of 2015 and ending on September 30, 2021, in addition to the assessment imposed under section 3013, the court shall assess an amount of \$5,000 on any non-indigent person or entity convicted of an offense under—

(1) chapter 77 (relating to peonage, slavery, and trafficking in persons);

(2) chapter 109A (relating to sexual abuse);

(3) chapter 110 (relating to sexual exploitation and other abuse of children);

(4) chapter 117 (relating to transportation for illegal sexual activity and related crimes); or

(5) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to human smuggling), unless the person induced, assisted, abetted, or aided only an individual who at the time of such action was the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

(b) SATISFACTION OF OTHER COURT-ORDERED OBLIGATIONS.—An assessment under subsection (a) shall not be payable until the person subject to the assessment has satisfied all outstanding court-ordered fines, orders of restitution, and any other obligation related to victim-compensation arising from the criminal convictions on which the special assessment is based.

(c) ESTABLISHMENT OF DOMESTIC TRAFFICKING VICTIMS' FUND.—There is established in the Treasury of the United States a fund, to be known as the “Domestic Trafficking Victims' Fund” (referred to in this section as the “Fund”), to be administered by the Attorney General, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services.

(d) TRANSFERS.—In a manner consistent with section 3302(b) of title 31, there shall be transferred to the Fund from the General Fund of the Treasury an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

(e) USE OF FUNDS.—

(1) IN GENERAL.—From amounts in the Fund, in addition to any other amounts available, and without further appropriation, the Attorney General, in coordination with the Secretary of Health and Human Services shall, for each of fiscal years 2016 through 2023, use amounts available in the Fund to award grants or enhance victims' programming under—

(A) section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c);¹

(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105);

(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b));¹ and

(D) section 106 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17616).¹

(2) LIMITATION.—Except as provided in subsection (h)(2), none of the amounts in the Fund may be used to provide health care or medical items or services.

(f) COLLECTION METHOD.—The amount assessed under subsection (a) shall, subject to subsection (b), be collected in the manner that fines are collected in criminal cases, including the mandatory imposition of civil remedies for satisfaction of an unpaid fine as authorized under section 3613, where appropriate.

(g) DURATION OF OBLIGATION.—Subject to section 3613(b), the obligation to pay an assessment imposed on or after the date of enactment of the Justice for Victims of Trafficking Act of 2015 shall not cease until the assessment is paid in full.

(h) HEALTH OR MEDICAL SERVICES.—

(1) TRANSFER OF FUNDS.—From amounts appropriated under subparagraphs (E) and (F) of section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)), there shall be transferred to the Fund an amount equal to the amount transferred under subsection (d) for each fiscal year, except that the amount transferred under this paragraph shall not be less than \$5,000,000 or more than \$30,000,000 in each such fiscal year, and such amounts shall remain available until expended.

(2) USE OF FUNDS.—The Attorney General, in coordination with the Secretary of Health and Human Services, shall use amounts transferred to the Fund under paragraph (1) to award grants that may be used for the provision of health care or medical items or services to victims of trafficking under—

(A) sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a, 14044b, and 14044c);¹

(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).¹

(3) GRANTS.—Of the amounts in the Fund used under paragraph (1), not less than

¹ See References in Text note below.

\$2,000,000, if such amounts are available in the Fund during the relevant fiscal year, shall be used for grants to provide services for child pornography victims and child victims of a severe form of trafficking (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)) under section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).¹

(4) APPLICATION OF PROVISION.—The application of the provisions of section 221(c) of the Medicare Access and CHIP Reauthorization Act of 2015, section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act, section 3831 of the CARES Act, section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act,² section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, and section 301(d) of division BB of the Consolidated Appropriations Act, 2021,² shall continue to apply to the amounts transferred pursuant to paragraph (1).

(Added and amended Pub. L. 114–22, title I, § 101(a), title IX, § 905, May 29, 2015, 129 Stat. 228, 266; Pub. L. 115–96, div. C, title I, § 3101(e), Dec. 22, 2017, 131 Stat. 2049; Pub. L. 115–123, div. E, title IX, § 50901(f), Feb. 9, 2018, 132 Stat. 289; Pub. L. 115–392, § 2(b), Dec. 21, 2018, 132 Stat. 5250; Pub. L. 116–59, div. B, title I, § 1101(e), Sept. 27, 2019, 133 Stat. 1103; Pub. L. 116–69, div. B, title I, § 1101(e), Nov. 21, 2019, 133 Stat. 1136; Pub. L. 116–94, div. N, title I, § 401(e), Dec. 20, 2019, 133 Stat. 3113; Pub. L. 116–136, div. A, title III, § 3831(e), Mar. 27, 2020, 134 Stat. 434; Pub. L. 116–159, div. C, title I, § 2101(e), Oct. 1, 2020, 134 Stat. 729; Pub. L. 116–215, div. B, title II, § 1201(e), Dec. 11, 2020, 134 Stat. 1044; Pub. L. 116–260, div. BB, title III, § 301(e), Dec. 27, 2020, 134 Stat. 2922.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Justice for Victims of Trafficking Act of 2015, referred to in subsections (a) and (g), is the date of enactment of Pub. L. 114–22, which was approved May 29, 2015.

Sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005, referred to in subsections (e)(1)(A) and (h)(2)(A), are sections 202, 203, and 204 of Pub. L. 109–164, which were classified to sections 14044a, 14044b, and 14044c, respectively, of Title 42, The Public Health and Welfare, prior to editorial reclassification as sections 20702, 20703, and 20705, respectively, of Title 34, Crime Control and Law Enforcement.

Section 214(b) of the Victims of Child Abuse Act of 1990, referred to in subsections (e)(1)(C) and (h)(2)(C), (3), is section 214(b) of title II of Pub. L. 101–647, which was classified to section 13002(b) of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 20304(b) of Title 34, Crime Control and Law Enforcement.

Section 106 of the PROTECT Our Children Act of 2008, referred to in subsection (e)(1)(D), is section 106 of Pub. L. 110–401, which was classified to section 17616 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 21116 of Title 34, Crime Control and Law Enforcement.

Section 221 of the Medicare Access and CHIP Reauthorization Act of 2015, referred to in subsection (h)(4), is section 221 of Pub. L. 114–10, title II, Apr. 16, 2015, 129 Stat. 154. Section 221(c) of the Act provided for a condi-

tion on certain appropriations and is not classified to the Code.

Section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act, referred to in subsection (h)(4), is section 50901(e) of Pub. L. 115–123, div. E, title IX, Feb. 9, 2018, 132 Stat. 289. Section 50901(e) of the Act related to application of amounts appropriated pursuant to that section and is not classified to the Code.

Section 3831 of the CARES Act, referred to in subsection (h)(4), is section 3831 of Pub. L. 116–136, div. A, title III, Mar. 27, 2020, 134 Stat. 433, which amended this section and sections 254b–2 and 256h of Title 42, The Public Health and Welfare, and contained provisions related to application of amounts appropriated pursuant to the amendments made by that section which are not classified to the Code.

Section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act, referred to in subsection (h)(4), is section 2101 of Pub. L. 116–159, div. C, title I, Oct. 1, 2020, 134 Stat. 728, which amended this section and sections 254b–2 and 256h of Title 42, The Public Health and Welfare, and contained provisions related to application of amounts appropriated pursuant to the amendments made by that section which are not classified to the Code.

Section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, referred to in subsection (h)(4), is section 1201(d) of Pub. L. 116–215, div. B, title II, Dec. 11, 2020, 134 Stat. 1044, which related to application of amounts appropriated pursuant to the amendments made by that section and is not classified to the Code.

Section 301(d) of division BB of the Consolidated Appropriations Act, 2021, referred to in subsection (h)(4), is section 301(d) of Pub. L. 116–260, div. BB, title III, Dec. 27, 2020, 134 Stat. 2922, which related to application of amounts appropriated pursuant to the amendments made by that section and is not classified to the Code.

AMENDMENTS

2020—Subsec. (h)(4). Pub. L. 116–260 substituted “, section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act, and section 301(d) of division BB of the Consolidated Appropriations Act, 2021.” for “and section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act”.

Pub. L. 116–215 substituted “Social Services Act,” for “Social Services Act,,” and “section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act, and section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act” for “and section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act”.

Pub. L. 116–159 substituted “Social Services Act,” for “Social Services Act,,” and “, section 3831 of the CARES Act, and section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act” for “and section 3831 of the CARES Act”.

Pub. L. 116–136 substituted “section 3831 of the CARES Act” for “section 401(d) of division N of the Further Consolidated Appropriations Act, 2020”.

2019—Subsec. (h)(4). Pub. L. 116–94 substituted “, and section 401(d) of division N of the Further Consolidated Appropriations Act, 2020” for “section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019, and section 1101(d) of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019”.

Pub. L. 116–69 substituted “, section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019, and section 1101(d) of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019” for “and section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019”.

Pub. L. 116–59 substituted “, section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act, and section 1101(d) of division B of the Continuing Appropriations Act, 2020, and Health Extenders

² So in original.

Act of 2019” for “and section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act”.

2018—Subsec. (a). Pub. L. 115-392, §2(b)(1), substituted “September 30, 2021” for “September 30, 2019” in introductory provisions.

Subsec. (e)(1). Pub. L. 115-392, §2(b)(2), substituted “2023” for “2019” in introductory provisions.

Subsec. (f). Pub. L. 115-392, §2(b)(3), inserted “, including the mandatory imposition of civil remedies for satisfaction of an unpaid fine as authorized under section 3613, where appropriate” after “criminal cases”.

Subsec. (h)(3). Pub. L. 115-392, §2(b)(4), inserted “and child victims of a severe form of trafficking (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102))” after “child pornography victims”.

Subsec. (h)(4). Pub. L. 115-123 substituted “and section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act” for “and section 3101(d) of the CHIP and Public Health Funding Extension Act”.

2017—Subsec. (h)(1). Pub. L. 115-96, §3101(e)(1), substituted “subparagraphs (E) and (F) of section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1))” for “section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)(E)), as amended by section 221 of the Medicare Access and CHIP Reauthorization Act of 2015”.

Subsec. (h)(4). Pub. L. 115-96, §3101(e)(2), inserted “and section 3101(d) of the CHIP and Public Health Funding Extension Act” after “section 221(c) of the Medicare Access and CHIP Reauthorization Act of 2015”.

2015—Subsec. (e)(1)(D). Pub. L. 114-22, §905, added subpar. (D).

CHAPTER 203—ARREST AND COMMITMENT

Sec.	
3041.	Power of courts and magistrates.
3042.	Extraterritorial jurisdiction.
[3043.]	Repealed.]
3044.	Complaint—Rule.
3045.	Internal revenue violations.
3046.	Warrants or summons—Rule. ¹
3047.	Multiple warrants unnecessary.
3048.	Commitment to another district; removal—Rule.
3049.	Warrant for removal.
3050.	Bureau of Prisons employees’ powers.
3051.	Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives ²
3052.	Powers of Federal Bureau of Investigation.
3053.	Powers of marshals and deputies.
[3054.]	Repealed.]
3055.	Officers’ powers to suppress Indian liquor traffic.
3056.	Powers, authorities, and duties of United States Secret Service.
3056A.	Powers, authorities, and duties of United States Secret Service Uniformed Division.
3057.	Bankruptcy investigations.
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3059.	Rewards and appropriations therefor. ³
3059A.	Special rewards for information relating to certain financial institution offenses. ³
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3060.	Preliminary examination.
3061.	Investigative powers of Postal Service personnel.
3062.	General arrest authority for violation of release conditions.
3063.	Powers of Environmental Protection Agency.
3064.	Powers of Federal Motor Carrier Safety Administration.

¹ So in original. Does not conform to section catchline.

² So in original. Probably should be followed by a period.

³ Section repealed by Pub. L. 107-273 without corresponding amendment of chapter analysis.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-177, title VI, §605(b), Mar. 9, 2006, 120 Stat. 255, added item 3056A.

Pub. L. 109-162, title XI, §1172(a), Jan. 5, 2006, 119 Stat. 3123, added item 3051.

2005—Pub. L. 109-59, title IV, §4143(c)(2), Aug. 10, 2005, 119 Stat. 1748, added item 3064.

1996—Pub. L. 104-294, title VI, §605(n), Oct. 11, 1996, 110 Stat. 3510, added item 3059B.

1994—Pub. L. 103-322, title XXXIII, §330010(18), Sept. 13, 1994, 108 Stat. 2144, inserted a period at end of item 3059A.

1990—Pub. L. 101-647, title XXXV, §3570, Nov. 29, 1990, 104 Stat. 4928, struck out item 3054 “Officer’s powers involving animals and birds”.

Pub. L. 101-647, title XXV, §2587(b), Nov. 29, 1990, 104 Stat. 4905, as amended, effective as of date section 2587(b) of Pub. L. 101-647 took effect, by Pub. L. 103-322, title XXXIII, §330011(a), Sept. 13, 1994, 108 Stat. 2144, added item 3059A.

1988—Pub. L. 100-690, title VI, §6251(b), Nov. 18, 1988, 102 Stat. 4362, substituted “Investigative powers of Postal Service personnel” for “Powers of postal personnel” in item 3061.

Pub. L. 100-582, §4(b), Nov. 1, 1988, 102 Stat. 2959, added item 3063.

1984—Pub. L. 98-587, §1(b), Oct. 30, 1984, 98 Stat. 3111, substituted “Powers, authorities, and duties of United States Secret Service” for “Secret Service powers” in item 3056.

Pub. L. 98-473, title II, §204(e), Oct. 12, 1984, 98 Stat. 1986, substituted “Repealed” for “Security of the peace and good behavior” in item 3043 and added item 3062.

1970—Pub. L. 91-375, §6(j)(38)(B), Aug. 12, 1970, 84 Stat. 782, substituted “postal personnel” for “postal inspectors” in item 3061.

1968—Pub. L. 90-578, title III, §303(b), Oct. 17, 1968, 82 Stat. 1118, struck out reference to “Rule” in item 3060.

Pub. L. 90-560, §5(b), Oct. 12, 1968, 82 Stat. 998, added item 3061.

1951—Act Oct. 31, 1951, ch. 655, §56(f), 65 Stat. 729, struck out item 3051 “Extradition agent’s powers”.

§ 3041. Power of courts and magistrates

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States magistrate judge, or by any chancellor, judge of a supreme or superior court, chief or first judge of the common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or magistrate judge shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 89-465, §5(a), June 22, 1966, 80 Stat. 217; Pub. L. 90-578,