

Editorial Notes

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-598, §314(i), substituted “judge” for “referee” and “violation under chapter 9 of this title” for “violations of the bankruptcy laws”.

Subsec. (b). Pub. L. 95-598, §314(i)(1), substituted “judge” for “referee”.

1949—Subsec. (a). Act May 24, 1949, substituted “or other laws of the United States” for “or laws”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

Executive Documents

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3058. Interned belligerent nationals

Whoever, belonging to the armed land or naval forces of a belligerent nation or belligerent faction and being interned in the United States, in accordance with the law of nations, leaves or attempts to leave said jurisdiction, or leaves or attempts to leave the limits of internment without permission from the proper official of the United States in charge, or willfully overstays a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct.

(June 25, 1948, ch. 645, 62 Stat. 818; Pub. L. 101-647, title XXXV, §3571, Nov. 29, 1990, 104 Stat. 4928.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §37 (June 15, 1917, ch. 30, title V, §7, 40 Stat. 223).

Said section 37 was incorporated in this section and section 756 of this title.

Minor verbal changes were made.

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1990—Pub. L. 101-647 substituted “belligerent” for “belligerent” before “nation”.

[[§ 3059 to 3059B. Repealed. Pub. L. 107-273, div. A, title III, §301(c)(2), Nov. 2, 2002, 116 Stat. 1781]]

Section 3059, act June 25, 1948, ch. 645, 62 Stat. 818; Pub. L. 97-258, §2(d)(2), Sept. 13, 1982, 96 Stat. 1058; Pub. L. 103-322, title XXV, §250004, Sept. 13, 1994, 108 Stat. 2086, related to rewards and appropriations therefor.

Section 3059A, added Pub. L. 101-647, title XXV, §2587(a), Nov. 29, 1990, 104 Stat. 4904; amended Pub. L. 103-322, title XXXII, §320607, title XXXIII, §330010(10), (17), Sept. 13, 1994, 108 Stat. 2120, 2143, 2144; Pub. L. 104-294, title VI, §§601(f)(4), 604(b)(24), Oct. 11, 1996, 110 Stat. 3499, 3508, related to special rewards for information relating to certain financial institution offenses.

Section 3059B, added Pub. L. 104-132, title VIII, §815(e)(1), Apr. 24, 1996, 110 Stat. 1315, set forth general reward authority.

§ 3060. Preliminary examination

(a) Except as otherwise provided by this section, a preliminary examination shall be held within the time set by the judge or magistrate judge pursuant to subsection (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it.

(b) The date for the preliminary examination shall be fixed by the judge or magistrate judge at the initial appearance of the arrested person. Except as provided by subsection (c) of this section, or unless the arrested person waives the preliminary examination, such examination shall be held within a reasonable time following initial appearance, but in any event not later than—

(1) the fourteenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day; or

(2) the twentieth day following the date of the initial appearance if the arrested person is released from custody under any condition other than a condition described in paragraph (1) of this subsection.

(c) With the consent of the arrested person, the date fixed by the judge or magistrate judge for the preliminary examination may be a date later than that prescribed by subsection (b), or may be continued one or more times to a date subsequent to the date initially fixed therefor. In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.

(d) Except as provided by subsection (e) of this section, an arrested person who has not been accorded the preliminary examination required by subsection (a) within the period of time fixed by the judge or magistrate judge in compliance with subsections (b) and (c), shall be discharged from custody or from the requirement of bail or any other condition of release, without prejudice, however, to the institution of further criminal proceedings against him upon the charge upon which he was arrested.

(e) No preliminary examination in compliance with subsection (a) of this section shall be re-