

(Added Pub. L. 99-508, title III, §301(a), Oct. 21, 1986, 100 Stat. 1871, §3126; renumbered §3127, Pub. L. 100-690, title VII, §7092(a)(1), Nov. 18, 1988, 102 Stat. 4410; amended Pub. L. 107-56, title II, §216(c)(1)-(4), Oct. 26, 2001, 115 Stat. 290; Pub. L. 111-79, §2(3), Oct. 19, 2009, 123 Stat. 2087.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in par. (5), are set out in the Appendix to this title.

AMENDMENTS

2009—Par. (2)(A). Pub. L. 111-79 substituted “that—” and cls. (i) to (iv) for “having jurisdiction over the offense being investigated; or”.

2001—Par. (1). Pub. L. 107-56, §216(c)(4), struck out “and” after “‘electronic communication,’” and inserted “, and ‘contents’” after “‘electronic communication service’”.

Par. (2)(A). Pub. L. 107-56, §216(c)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: “a district court of the United States (including a magistrate judge of such a court) or a United States Court of Appeals; or”.

Par. (3). Pub. L. 107-56, §216(c)(2), substituted “dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication” for “electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached” and inserted “or process” after “device” wherever appearing.

Par. (4). Pub. L. 107-56, §216(c)(3), inserted “or process” after “means a device” and substituted “or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;” for “of an instrument or device from which a wire or electronic communication was transmitted;”.

1988—Pub. L. 100-690 renumbered section 3126 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 302 of Pub. L. 99-508, set out as a note under section 3121 of this title.

CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS

- Sec.
- 3141. Release and detention authority generally.
- 3142. Release or detention of a defendant pending trial.
- 3143. Release or detention of a defendant pending sentence or appeal.
- 3144. Release or detention of a material witness.
- 3145. Review and appeal of a release or detention order.
- 3146. Penalty for failure to appear.
- 3147. Penalty for an offense committed while on release.
- 3148. Sanctions for violation of a release condition.
- 3149. Surrender of an offender by a surety.
- 3150. Applicability to a case removed from a State court.

- Sec.
- [3150a. Repealed.]
- 3151. Refund of forfeited bail.
- 3152. Establishment of pretrial services.
- 3153. Organization and administration of pretrial services.
- 3154. Functions and powers relating to pretrial services.
- 3155. Annual reports.
- 3156. Definitions.

Editorial Notes

AMENDMENTS

1988—Pub. L. 100-690, title VII, §7084(b), Nov. 18, 1988, 102 Stat. 4408, added item 3151.

1984—Pub. L. 98-473, title II, §203(e), Oct. 12, 1984, 98 Stat. 1985, inserted “AND DETENTION PENDING JUDICIAL PROCEEDING” in chapter heading, added new items 3141 to 3150, and struck out former items 3141 to 3151 as follows: item 3141 “Power of courts and magistrates”, item 3142 “Surrender by bail”, item 3143 “Additional bail”, item 3144 “Cases removed from State courts”, item 3145 “Parties and witnesses—Rule”, item 3146 “Release in noncapital cases prior to trial”, item 3147 “Appeal from conditions of release”, item 3148 “Release in capital cases or after conviction”, item 3149 “Release of material witnesses”, item 3150 “Penalties for failure to appear”, item 3150a “Refund of forfeited bail”, item 3151 “Contempt”.

1982—Pub. L. 97-267, §6, Sept. 27, 1982, 96 Stat. 1138, struck out “agencies” after “services” in item 3152, substituted “and administration of pretrial services” for “of pretrial services agencies” in item 3153, “relating to pretrial services” for “of pretrial services agencies” in item 3154, and “Annual reports” for “Report to Congress” in item 3155.

Pub. L. 97-258, §2(d)(3)(A), Sept. 13, 1982, 96 Stat. 1058, added item 3150a.

1975—Pub. L. 93-619, title II, §202, Jan. 3, 1975, 88 Stat. 2089, added items 3153 to 3156, and in item 3152, substituted “Establishment of Pretrial Services Agencies” for “Definitions”.

1966—Pub. L. 89-465, §§3(b), 5(e)(1), June 22, 1966, 80 Stat. 216, 217, substituted “RELEASE” for “BAIL” in chapter heading and “Release in noncapital cases prior to trial” for “Jumping Bail” in item 3146, and added items 3147 to 3152.

1954—Act Aug. 20, 1954, ch. 772, §2, 68 Stat. 748, added item 3146.

§ 3141. Release and detention authority generally

(a) PENDING TRIAL.—A judicial officer authorized to order the arrest of a person under section 3041 of this title before whom an arrested person is brought shall order that such person be released or detained, pending judicial proceedings, under this chapter.

(b) PENDING SENTENCE OR APPEAL.—A judicial officer of a court of original jurisdiction over an offense, or a judicial officer of a Federal appellate court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence, a person be released or detained under this chapter.

(Added Pub. L. 98-473, title II, §203(a), Oct. 12, 1984, 98 Stat. 1976; amended Pub. L. 99-646, §55(a), (b), Nov. 10, 1986, 100 Stat. 3607.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3141, acts June 25, 1948, ch. 645, 62 Stat. 821; June 22, 1966, Pub. L. 89-465, §5(b), 80 Stat. 217, related to powers of courts and magistrates with respect to release on bail or otherwise, prior to repeal in