

in the second sentence of the fourth paragraph of section 5032 of this title, the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.

(Added Pub. L. 93-415, title V, §508, Sept. 7, 1974, 88 Stat. 1137; amended Pub. L. 95-115, §8(b), Oct. 3, 1977, 91 Stat. 1060; Pub. L. 98-473, title II, §1202, Oct. 12, 1984, 98 Stat. 2150; Pub. L. 103-322, title XIV, §140005, Sept. 13, 1994, 108 Stat. 2032; Pub. L. 104-294, title VI, §601(f)(16), (o), Oct. 11, 1996, 110 Stat. 3500, 3502.)

Editorial Notes

REFERENCES IN TEXT

Section 401 of the Controlled Substances Act, referred to in subsecs. (d) and (f), is classified to section 841 of Title 21, Food and Drugs.

Sections 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act, referred to in subsecs. (d) and (f), are classified to sections 951(a), 955, and 959, respectively, of Title 21.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-294, §601(f)(16), substituted “section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act” for “section 841, 952(a), 955, or 959 of title 21”.

Subsec. (f). Pub. L. 104-294 substituted “section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act” for “section 841, 952(a), 955, or 959 of title 21”, “juvenile has been found guilty” for “juvenile has been found guilty”, and “the Federal Bureau of Investigation” for “the Federal Bureau of Investigation, Identification Division.”.

1994—Subsec. (f). Pub. L. 103-322 inserted “or whenever a juvenile has been found guilty of committing an act after his 13th birthday which if committed by an adult would be an offense described in the second sentence of the fourth paragraph of section 5032 of this title,” after “title 21.”.

1984—Pub. L. 98-473 amended section generally, striking out in subsec. (a) provisions that, upon completion of any delinquency proceedings the court shall order the entire record and file to be sealed, substituting a new subsec. (d) for a former subsec. (d) which provided that unless a juvenile is prosecuted as an adult neither fingerprints nor photographs shall be taken without the consent of the judge and the juveniles name and picture shall not be made available to any public medium of communication and adding subsecs. (e) and (f).

1977—Subsec. (a)(6). Pub. L. 95-115 added par. (6).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, formerly set out as a note under section 11101 of Title 34, Crime Control and Law Enforcement.

REPEALS

Pub. L. 93-415, title V, §508, Sept. 7, 1974, 88 Stat. 1137, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

§ 5039. Commitment

No juvenile committed, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney Gen-

eral may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

(Added Pub. L. 93-415, title V, §509, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 103-322, title XIV, §140003, Sept. 13, 1994, 108 Stat. 2032.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 inserted “, whether pursuant to an adjudication of delinquency or conviction for an offense,” after “committed” in first par.

Statutory Notes and Related Subsidiaries

REPEALS

Pub. L. 93-415, title V, §509, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

§ 5040. Support

The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for “support of United States prisoners” or such other appropriations as he may designate.

(Added Pub. L. 93-415, title V, §510, Sept. 7, 1974, 88 Stat. 1138.)

Statutory Notes and Related Subsidiaries

REPEALS

Pub. L. 93-415, title V, §510, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

[§ 5041. Repealed. Pub. L. 98-473, title II, §214(b), Oct. 12, 1984, 98 Stat. 2014]

Section, added Pub. L. 93-415, title V, §511, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 94-233, §11, Mar. 15, 1976, 90 Stat. 233, related to parole for juvenile delinquents.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal, with section to remain in effect for five years as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1), (b)(1)(D) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

§ 5042. Revocation of probation

Any juvenile probationer shall be accorded notice and a hearing with counsel before his probation can be revoked.

(Added Pub. L. 93-415, title V, §512, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 98-473, title II, §214(c), Oct. 12, 1984, 98 Stat. 2014.)

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-473 struck out “parole or” before “probation” in section catchline and text, and struck out “parolee or” before “probationer” in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, with section as in effect prior to such amendment to remain in effect for five years as and individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1), (b)(1)(D) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

REPEALS

Pub. L. 93-415, title V, §512, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub. L. 115-385, title III, §307, Dec. 21, 2018, 132 Stat. 5152.

§ 5043. Juvenile solitary confinement

(a) DEFINITIONS.—In this section—

(1) the term “covered juvenile” means—

(A) a juvenile who—

(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

(ii) has been adjudicated delinquent under this chapter; or

(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

(2) the term “juvenile facility” means any facility where covered juveniles are—

(A) committed pursuant to an adjudication of delinquency under this chapter; or

(B) detained prior to disposition or conviction; and

(3) the term “room confinement” means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile’s behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

(2) JUVENILES POSING RISK OF HARM.—

(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile

in room confinement, the staff member shall attempt to use less restrictive techniques, including—

(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

(II) permitting a qualified mental health professional to talk to the covered juvenile.

(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as required under clause (i), a staff member of a juvenile facility decides to place a covered juvenile in room confinement, the staff member shall first—

(I) explain to the covered juvenile the reasons for the room confinement; and

(II) inform the covered juvenile that release from room confinement will occur—

(aa) immediately when the covered juvenile regains self-control, as described in subparagraph (B)(i); or

(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm to others; or

(II) 30 minutes after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm only to himself or herself.

(C) RISK OF HARM AFTER MAXIMUM PERIOD OF CONFINEMENT.—If, after the applicable maximum period of confinement under subclause (I) or (II) of subparagraph (B)(ii) has expired, a covered juvenile continues to pose a serious and immediate risk of physical harm described in that subclause—

(i) the covered juvenile shall be transferred to another juvenile facility or internal location where services can be provided to the covered juvenile without relying on room confinement; or

(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

(D) SPIRIT AND PURPOSE.—The use of consecutive periods of room confinement to