[§§ 5010 to 5026. Repealed. Pub. L. 98–473, title II, § 218(a)(8), Oct. 12, 1984, 98 Stat. 2027]

Section 5010, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087; amended Mar. 15, 1976, Pub. L. 94–233, § 9, 90 Stat. 232, provided for imposition of a suspended sentence or sentence to custody of the Attorney General in the case of youth offenders.

Section 5011, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087, provided for treatment of youth offenders.

Section 5012, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087, provided for Director's certification of the availability of proper and adequate treatment facilities for youth offenders.

Section 5013, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087, authorized Director of Bureau of Prisons to contract for maintenance of youth offenders.

Section 5014, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1087; amended July 17, 1970, Pub. L. 91–339, § 1, 84 Stat. 437; Mar. 15, 1976, Pub. L. 94–233, § 6, 90 Stat. 231, related to classification studies and reports.

Section 5015, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1088; amended Mar. 15, 1976, Pub. L. 94–233, § 9, 90 Stat. 232, related to powers of Director as to placement of youth offenders.

Section 5016, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1088; amended Mar. 15, 1976, Pub. L. 94–233, § 9, 90 Stat. 232, related to periodic reports which the Director was required to make on all committed youth offenders.

Section 5017, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1088; amended Mar. 15, 1976, Pub. L. 94–233, § 7, 9, 90 Stat. 232, related to release of youth offenders.

Section 5018, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Mar. 15, 1976, Pub. L. 94–233, § 9, 90 Stat. 232, related to revocation of Commission orders.

Section 5019, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Mar. 15, 1976, Pub. L. 94–233, § 9, 90 Stat. 232, related to supervision of released youth offenders.

Section 5020, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended July 17, 1970, Pub. L. 91–339, § 2, 84 Stat. 437; Mar. 15, 1976, Pub. L. 94–233, § 8, 90 Stat. 232, related to apprehension of released youth offenders.

Section 5021, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Oct. 3, 1961, Pub. L. 87–336, 75 Stat. 750; Mar. 15, 1976, Pub. L. 94–233, § 9, 90 Stat. 232, related to issuance of certificates setting aside convictions of youth offenders.

Section 5022, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089, provided that this chapter would not apply to offenses committed before its enactment (Sept. 30, 1950).

Section 5023, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Apr. 8, 1952, ch. 163, § 1, 66 Stat. 45, related to relationship between this chapter and Probation and Juvenile Delinquency Acts.

Section 5024, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1089; amended Apr. 8, 1952, ch. 163, § 2, 66 Stat. 45; June 25, 1959, Pub. L. 86–70, § 17(a), 73 Stat. 144; July 12, 1960, Pub. L. 86–624, § 13(b), 74 Stat. 413; Dec. 27, 1967, Pub. L. 90–226, title VIII, § 801(a), 81 Stat. 741, provided that this chapter was applicable to States of the United States and to District of Columbia.

Section 5025, added act Apr. 8, 1952, ch. 163, § 3(a), 66 Stat. 46; amended Dec. 27, 1967, Pub. L. 90–226, title VIII, § 801(b), 81 Stat. 741, related to applicability of this chapter to District of Columbia.

Section 5026, added act Apr. 8, 1952, ch. 163, § 3(a), 66 Stat. 46, provided that this chapter did not affect parole of other offenders.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, with sections 5017 to 5020 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)(A), (b)(1)(E) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of this title.

CHAPTER 403—JUVENILE DELINQUENCY

Sec.
5031. Definitions.
5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
5033. Custody prior to appearance before magistrate judge.
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Editorial Notes

AMENDMENTS

2018—Pub. L. 115–391, title VI, § 613(b), Dec. 21, 2018, 132 Stat. 5249, added item 5043.

1990—Pub. L. 101–647, title XXXV, § 3599H, Nov. 29, 1990, 104 Stat. 4932, substituted ''probation'' for ''Probation'' in item 5042.

1984—Pub. L. 98–473, title II, § 214(d), Oct. 12, 1984, 98 Stat. 2014, substituted ''Repealed'' for ''Parole'' in item 5041, and ''Revocation of Probation'' for ''Revocation of parole or probation'' in item 5042.

1974—Pub. L. 93–415, title V, § 513, Sept. 7, 1974, 88 Stat. 1138, substituted ''Delinquency proceedings in district courts; transfer for criminal prosecution.'' for ''Proceeding against juvenile delinquent.'' in item 5032; ''Custody prior to appearance before magistrate.'' for ''Jurisdiction; written consent; jury trial precluded.'' in item 5033; ''Duties of magistrate.'' for ''Probation; commitment to custody of Attorney General; support.'' in item 5034; ''Detention prior to disposition.'' for ''Arrest, detention and bail.'' in item 5035; ''Speedy trial.'' for ''Contracts for support; payment.'' in item 5036; ''Dispositional hearing.'' for ''Parole.'' in item 5037; and added items 5038 to 5042.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Words ''magistrate judge'' substituted for ''magistrate'' in items 5033 and 5034 pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

REPEALS

Pub. L. 93–415, title V, § 513, Sept. 7, 1974, 88 Stat. 1138, cited as a credit in an amendment to this analysis, was repealed by Pub. L. 115–385, title III, § 307, Dec. 21, 2018, 132 Stat. 5152.

§ 5031. Definitions

For the purposes of this chapter, a ''juvenile'' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and ''juvenile delinquency'' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult or a violation by such a person of section 922(x).

(June 25, 1948, ch. 645, 62 Stat. 857; Pub. L. 93–415, title V, § 501, Sept. 7, 1974, 88 Stat. 1133; Pub. L.

103–322, title XI, § 110201(c)(1), Sept. 13, 1994, 108 Stat. 2012.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 921 (June 16, 1938, ch. 486, § 1, 52 Stat. 764).

The phrase ''who has not attained his eighteenth birthday'' was substituted for ''seventeen years of age or under'' as more clearly reflecting congressional intent and administrative construction. The necessity of a definite fixing of the age of the juvenile was emphasized by Hon. Arthur J. Tuttle, United States district judge, Detroit, Mich., in a letter to the Committee on Revision of the Laws dated June 24, 1944. Words ''an offense against the'' was changed to ''the violation of a'' without change of substance.

Minor change was made in translation of section references to ''this chapter''.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–322 inserted before period at end ''or a violation by such a person of section 922(x)''.

1974—Pub. L. 93–415 amended section generally, inserting ''or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday'' after ''eighteenth birthday,'' and substituting ''committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult'', for ''committed by a juvenile and not punishable by death or life imprisonment.''

Statutory Notes and Related Subsidiaries

REPEALS

Pub. L. 93–415, title V, § 501, Sept. 7, 1974, 88 Stat. 1133, cited as a credit to this section, was repealed by Pub. L. 115–385, title III, § 307, Dec. 21, 2018, 132 Stat. 5152.

§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3)), section 922(x) or section 924(b), (g), or (h) of this title, and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State. For purposes of this section, the term ''State'' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

If an alleged juvenile delinquent is not surrendered to the authorities of a State pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information or as authorized under section 3401(g) of this title, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile fifteen years and older alleged to have committed an act after his fifteenth birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 922(x) of this title, or in section 924(b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice. In the application of the preceding sentence, if the crime of violence is an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c), ''thirteen'' shall be substituted for ''fifteen'' and ''thirteenth'' shall be substituted for ''fifteenth''. Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to the preceding sentence for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151), and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction. However, a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844(d), (e), (f), (h), (i) or 2275 of this title, subsection (b)(1)(A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this paragraph or