

Sec.	
5034.	Duties of magistrate judge.
5035.	Detention prior to disposition.
5036.	Speedy trial.
5037.	Dispositional hearing.
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5040.	Support.
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5043.	Juvenile solitary confinement.

### 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 L. 98-473, title II, §214(d), Oct. 12, 1984, 98 Stat. 2014, substituted “Repealed” for “Parole” in item 5041, and “Revocation of Probation” for “Revocation of parole or probation” in item 5042.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 L. 93-415, title V, §513, Sept. 7, 1974, 88 Stat. 1138, cited as a credit in an amendment to this analysis, was repealed by Pub.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 in-

tent 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,