

**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 L. 93-415, title V, § 509, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub.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 L. 93-415, title V, § 510, Sept. 7, 1974, 88 Stat. 1138, cited as a credit to this section, was repealed by Pub.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 Repealed.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.)

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## 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 evade the spirit and purpose of this subsection shall be prohibited.

(Added Pub. L. 115-391, title VI, §613(a), Dec. 21, 2018, 132 Stat. 5247.)

**PART V—IMMUNITY OF WITNESSES**

**CHAPTER 601—IMMUNITY OF WITNESSES**

Sec.	
6001.	Definitions.
6002.	Immunity generally.
6003.	Court and grand jury proceedings.
6004.	Certain administrative proceedings.
6005.	Congressional proceedings.

**Editorial Notes**

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330013(1), Sept. 13, 1994, 108 Stat. 2146, added heading for chapter 601.

1970—Pub. L. 91-452, title II, §201(a), Oct. 15, 1970, 84 Stat. 926, added part V and items 6001 to 6005.

**§ 6001. Definitions**

As used in this chapter—

(1) “agency of the United States” means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Nuclear Regulatory Commission, the Board of Governors of the Federal Reserve System, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Commodity Futures Trading Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Surface Transportation Board, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

(2) “other information” includes any book, paper, document, record, recording, or other material;

(3) “proceeding before an agency of the United States” means any proceeding before such an agency with respect to which it is authorized to issue subpoenas and to take testimony or receive other information from witnesses under oath; and

(4) “court of the United States” means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code, a United States bankruptcy court established under chapter 6, title 28, United States Code, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, the Tax Court of the United States, the Court of International Trade, and the Court of Appeals for the Armed Forces.

(Added Pub. L. 91-452, title II, §201(a), Oct. 15, 1970, 84 Stat. 926; amended Pub. L. 95-405, §25, Sept. 30, 1978, 92 Stat. 877; Pub. L. 95-598, title III, §314(D), Nov. 6, 1978, 92 Stat. 2678; Pub. L. 96-417, title VI, §601(1), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 97-164, title I, §164(1), Apr. 2, 1982, 96 Stat. 50; Pub. L. 102-550, title XV, §1543, Oct. 28, 1992, 106 Stat. 4069; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103-272, §4(d), July 5, 1994, 108 Stat. 1361; Pub. L. 103-322, title XXXIII, §330013(2), (3), Sept. 13, 1994, 108 Stat. 2146; Pub. L. 103-337, div. A, title IX, §924(d)(1)(B), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 104-88, title III, §303(2), Dec. 29, 1995, 109 Stat. 943.)

**Editorial Notes**

AMENDMENTS

1995—Par. (1). Pub. L. 104-88 substituted “Surface Transportation Board” for “Interstate Commerce Commission”.