

18 USC 3148: Sanctions for violation of a release condition

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PART II-CRIMINAL PROCEDURE

CHAPTER 207-RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS

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§3148. Sanctions for violation of a release condition

(a) AVAILABLE SANCTIONS.-A person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

(b) REVOCATION OF RELEASE.-The attorney for the Government may initiate a proceeding for revocation of an order of release by filing a motion with the district court. A judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before a judicial officer in the district in which such person's arrest was ordered for a proceeding in accordance with this section. To the extent practicable, a person charged with violating the condition of release that such person not commit a Federal, State, or local crime during the period of release, shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated. The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer-

(1) finds that there is-

- (A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or
- (B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that-

- (A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or
- (B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, the judicial officer shall treat the person in accordance with the provisions of section 3142 of this title and may amend the conditions of release accordingly.

(c) PROSECUTION FOR CONTEMPT.-The judicial officer may commence a prosecution for contempt, under section 401 of this title, if the person has violated a condition of release.

(Added Pub. L. 98-473, title II, §203(a), Oct. 12, 1984, 98 Stat. 1983 ; amended Pub. L. 99-646, §55(a), (h), Nov. 10, 1986, 100 Stat. 3607 , 3610.)

EDITORIAL NOTES

PRIOR PROVISIONS

A prior section 3148, added Pub. L. 89-465, §3(a), June 22, 1966, 80 Stat. 215 ; amended Pub. L. 91-452, title X, §1002, Oct. 12, 1970, 84 Stat. 952 , related to release in capital cases or after conviction, prior to repeal in the revision of this chapter by section 203(a) of Pub. L. 98-473.

AMENDMENTS

1986-Subsec. (a). Pub. L. 99-646, §55(a), (h)(1), substituted "under section 3142 of this title" for "pursuant to the provisions of section 3142".

Subsec. (b). Pub. L. 99-646, §55(h)(2), in introductory provision, substituted "such person's arrest" for "his arrest", "condition of release that such person not commit" for "condition of his release that he not

commit", and "period of release," for "period of release", in par. (1)(B) substituted "condition of release" for "condition of his release", in par. (2)(A) inserted "of this title" after "section 3142(g)", and in concluding provision, substituted "the judicial officer shall" for "he shall" and inserted "of this title" after "section 3142".

Subsec. (c). Pub. L. 99-646, §55(a), (h)(3), substituted "judicial officer" for "judge", "under section 401 of this title" for "pursuant to the provisions of section 401", and "condition of release" for "condition of his release".

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-646 effective 30 days after Nov. 10, 1986, see section 55(j) of Pub. L. 99-646, set out as a note under section 3141 of this title.