

Public Law 95-144  
95th Congress

An Act

Oct. 28, 1977  
[S. 1682]

To provide for the implementation of treaties for the transfer of offenders to or from foreign countries.

Treaties for the transfer of offenders to or from foreign countries. Implementation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 18, United States Code, is amended by inserting after chapter 305 the following new chapter:

**“Chapter 306.—TRANSFER TO OR FROM FOREIGN COUNTRIES**

“Sec.

“4100. Scope and limitation of chapter.

“4101. Definitions.

“4102. Authority of the Attorney General.

“4103. Applicability of United States laws.

“4104. Transfer of offenders on probation.

“4105. Transfer of offenders serving sentence of imprisonment.

“4106. Transfer of offenders on parole; parole of offenders transferred.

“4107. Verification of consent of offender to transfer from the United States.

“4108. Verification of consent of offender to transfer to the United States.

“4109. Right to counsel, appointment of counsel.

“4110. Transfer of juveniles.

“4111. Prosecution barred by foreign conviction.

“4112. Loss of rights, disqualification.

“4113. Status of alien offender transferred to a foreign country.

“4114. Return of transferred offenders.

“4115. Execution of sentences imposing an obligation to make restitution or reparations.

18 USC 4100.

**“§ 4100. Scope and limitation of chapter**

“(a) The provisions of this chapter relating to the transfer of offenders shall be applicable only when a treaty providing for such a transfer is in force, and shall only be applicable to transfers of offenders to and from a foreign country pursuant to such a treaty. A sentence imposed by a foreign country upon an offender who is subsequently transferred to the United States pursuant to a treaty shall be subject to being fully executed in the United States even though the treaty under which the offender was transferred is no longer in force.

“(b) An offender may be transferred from the United States pursuant to this chapter only to a country of which the offender is a citizen or national. Only an offender who is a citizen or national of the United States may be transferred to the United States. An offender may be transferred to or from the United States only with the offender’s consent, and only if the offense for which the offender was sentenced satisfies the requirement of double criminality as defined in this chapter. Once an offender’s consent to transfer has been verified by a verifying officer, that consent shall be irrevocable. If at the time of transfer the offender is under eighteen years of age the transfer shall not be accomplished unless consent to the transfer be given by a parent or guardian or by an appropriate court of the sentencing country.

Offender transfer, consent.

“(c) An offender shall not be transferred to or from the United States if a proceeding by way of appeal or of collateral attack upon the conviction or sentence be pending.