

the Sentencing Guidelines 5E1.2(d). For purposes of this part, revocation of parole or supervised release is to be treated as a separate period of incarceration for which a fee may be imposed.

§ 505.2 Annual determination of average cost of incarceration.

Pursuant to 28 CFR 0.96c, the Bureau of Prisons staff is responsible for calculating the annual average cost of incarceration. This calculation is reviewed annually and the revised figure is published as a notice in the FEDERAL REGISTER.

§ 505.3 Inmates exempted from fee assessment.

Inmates who began service of sentence before January 1, 1995, or who have had a fine either imposed or expressly waived by the United States District Court, pursuant to Section 5E1.2 (e) of the United States Sentencing Guidelines, or any successor provisions, are exempt from fee assessment otherwise required by this part.

§ 505.4 Calculation of assessment by unit staff.

Bureau of Prisons Unit Team staff are responsible for computing the amount of the fee to be paid by each inmate who has not been exempted from fee assessment. The inmate will only be assessed an amount once for the cost of incarceration for each separate period of incarceration.

(a) Unit Team staff are to rely exclusively on the information contained in the Presentence Investigation Report and findings and orders of the sentencing court in order to determine the extent of an inmate's assets, liabilities and dependents.

(b) The fee is assessed in accordance with the following formula: If an inmate's assets are equal to or less than the poverty level, as established by the United States Department of Health and Human Services and published annually in the FEDERAL REGISTER, no fee is to be imposed. If an inmate's assets are above the poverty level, Unit Team staff are to impose a fee equal to the inmate's assets above the poverty level up to the average cost to the Bureau of Prisons of confining an inmate for one year.

(c) If the amount of time that the inmate is in custody is less than 334 days (including pretrial custody time), the maximum fee to be imposed is to be computed by prorating the fee on a monthly basis.

§ 505.5 Waiver of fee by Warden.

The Warden may reduce or waive the fee if the inmate establishes that:

(a) He or she is not able and, even with the use of a reasonable installment schedule, is not likely to become able to pay all or part of the fee, or

(b) Imposition of a fee would unduly burden the inmate's dependents.

§ 505.6 Procedures for payment.

Fees imposed pursuant to this part are due and payable after notice of the Unit Team actions. When the inmate participates in the inmate financial responsibility program (see 28 CFR part 545, subpart B), fees are to be included under the category "other federal government obligations" and are to be paid before other financial obligations included in that same category. Fees may be subject to interest charges.

§ 505.7 Procedures for final disposition.

Before the inmate completes his or her sentence, Unit Team staff must review the status of the inmate's fee. Any unpaid amount will be referred for collection in accordance with Federal Claims Collection Standards (4 CFR Chapter II).

PART 506—INMATE COMMISSARY ACCOUNT

Sec.

506.1 What is the purpose of individual inmate commissary accounts?

506.2 How may family, friends, or other sources deposit funds into an inmate commissary account?

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 31 U.S.C. 1321.

SOURCE: 69 FR 40317, July 2, 2004, unless otherwise noted.

§ 506.1

§ 506.1 What is the purpose of individual inmate commissary accounts?

The purpose of individual inmate commissary accounts is to allow the Bureau to maintain inmates' monies while they are incarcerated. Family, friends, or other sources may deposit funds into these accounts.

§ 506.2 How may family, friends, or other sources deposit funds into an inmate commissary account?

(a) *Family and friends* must mail deposits to the centralized inmate commissary account at the address we provide.

(1) The deposit envelope must not contain any enclosures intended for delivery to the inmate. We may dispose of any enclosure.

(2) The deposit must be in the form of a money order made out to the inmate's full name and complete register number. We will return checks to the sender provided the check contains an adequate return address.

(b) *Other sources*, (such as tax refunds, dividends from stocks, or state benefits) must be forwarded for deposit to the centralized inmate commissary account.

**PART 511—GENERAL
MANAGEMENT POLICY**

Subpart A [Reserved]

Subpart B—Searching and Detaining or Arresting Persons Other Than Inmates

Sec.

511.10 Purpose and scope.

511.11 Definitions.

511.12 Procedures for searching visitors.

511.13 Controlled visiting—denying visits.

511.14 Right of refusal/termination of a visit.

511.15 Detaining visitors.

511.16 Use of arrest authority.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 751, 752, 1791, 1792, 1793, 3050, 3621, 3622, 3624, 4001, 4012, 4042, 4081, 4082 (Repealed as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99, 6.1.

SOURCE: 49 FR 44057, Nov. 1, 1984, unless otherwise noted.

28 CFR Ch. V (7-1-05 Edition)

Subpart A [Reserved]

Subpart B—Searching and Detaining or Arresting Persons Other Than Inmates

§ 511.10 Purpose and scope.

(a) In an effort to prevent the introduction of contraband (such prohibited objects as defined in §511.11(c)) into an institution, Bureau of Prisons staff may subject all persons entering an institution, or during their presence in an institution, to a search of their persons and effects.

(b) Title 18, United States Code, section 3050 authorizes Bureau of Prisons employees (does not include United States Public Health Service employees)—

(1) To make an arrest on or off Bureau of Prisons premises without warrant for violation of the following provisions regardless of where the violation may occur: section 111 (assaulting officers), section 751 (escape), section 752 (assisting escape) of title 18, United States Code, and section 1826(c) (escape) of title 28, United States Code;

(2) To make an arrest on Bureau of Prisons premises or reservation land of a penal, detention, or correctional facility without warrant for violation occurring thereon of the following provisions: section 661 (theft), section 1361 (depredation of property), section 1363 (destruction of property), section 1791 (contraband), section 1792 (mutiny and riot), and section 1793 (trespass) of title 18, United States Code, and

(3) To arrest without warrant for any other offense described in title 18 or 21 of the United States Code, if committed on the premises or reservation of a penal or correctional facility of the Bureau of Prisons if necessary to safeguard security, good order, or government property. Bureau policy provides that such an arrest may be made when staff has probable cause to believe that a person has committed one of these offenses and when there is likelihood of the person escaping before a warrant can be obtained.

[59 FR 5924, Feb. 8, 1994]