

PROPOSED AMENDMENT #3: ADDITIONAL CONDITION OF PROBATION AND SUPERVISED RELEASE

Synopsis of Proposed Amendment: In the recently enacted Commerce, Justice, and State Appropriations Act, Fiscal Year 1998, Pub. L. 105–119, Congress amended sections 3563(a) and 3583(d) of title 18, United States Code, to add a new mandatory condition of probation for persons convicted of sex offenses. The new mandatory condition requires a person convicted of a sex offense (as described in 18 U.S.C. § 4042(c)(4)) to report that person’s address and any change of residence to the probation officer supervising the case and to register as a sex offender in any State where the person resides, works, or is a student. These amendments to sections 3563(a) and 3583(d) become effective one year after November 26, 1997.

The following proposed amendment would add this new condition to the mandatory conditions of probation and supervised release listed in §§5B1.3 and 5D1.3.

Proposed Amendment:

§5B1.3. Conditions of Probation

(a) Mandatory Conditions --

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(8) if the court has imposed a fine, the defendant shall pay the fine or adhere to a court-established payment schedule (see 18 U.S.C. § 3563(a));

(9) a defendant convicted of a sexual offense as described in 18 U.S.C. § 4042(c)(4) shall report the address where the defendant will reside and any subsequent change of residence to the probation officer responsible for supervision, and shall register as a sex offender in any State where the person resides, is employed, carries on a vocation, or is a student (see 18 U.S.C. §3563(a)(8)).

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§5D1.3. Conditions of Supervised Release

(a) Mandatory Conditions --

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(6) the defendant shall (A) make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664; and (B) pay the assessment imposed in accordance with 18 U.S.C. § 3013;

(7) a defendant convicted of a sexual offense as described in 18 U.S.C. § 4042(c)(4) shall report the address where the defendant will reside and

any subsequent change of residence to the probation officer responsible for supervision, and shall register as a sex offender in any State where the person resides, is employed, carries on a vocation, or is a student (see 18 U.S.C. § 3583(d)).

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[NOTE: A vote on this amendment is only on whether to publish it in the Federal Register (because proposed changes to a guideline (as opposed to commentary) cannot be incorporated into the Guidelines Manual without submission to Congress). However, the 1998 edition of the Guidelines Manual will include a footnote notifying the courts of the new mandatory condition and its effective date.]