



Reimposition of Supervised Release

Determining the statutorily available term of supervised release following revocation pursuant to 18 U.S.C § 3583(h).

Can a New Term of Supervised Release be Imposed?

A new term of supervised release may be imposed upon revocation of a prior term of supervised release. The calculation is fairly simple, but requires critical information, such as the date of the original offense, the statutorily authorized term of supervised release based on the offense type, and the term of imprisonment upon revocation. The date of the original offense will determine how the new term of supervised release is calculated.

On or after April 30, 2003	Between September 13, 1994 - April 29, 2003	Before September 13, 1994
<p>1 Determine the statutory maximum term of supervised release for the original offense.</p> <p>_____</p>	<p>Determine the statutory maximum term of imprisonment upon revocation.</p> <p>_____</p>	<p>Determine the length of the supervised release term being revoked (NOTE: Court may first extend term to statutory maximum - § 3583(e)(2)).</p> <p>_____</p>
<p>2 Subtract the amount of imprisonment to be imposed upon revocation (in addition to any term(s) of imprisonment imposed on prior revocation(s) of the supervised release).</p> <p>_____</p>	<p>Subtract the amount of imprisonment to be imposed upon revocation (in addition to any term(s) of imprisonment imposed on prior revocation(s)).</p> <p>_____</p>	<p>Subtract the amount of imprisonment to be imposed upon revocation (in addition to any term(s) of imprisonment imposed on prior revocation(s)).</p> <p>_____</p>
<p>3 The difference is the statutory maximum term of supervised release that can be imposed upon revocation of supervised release.</p>	<p>If the difference is greater than zero, an additional term of supervised release can be imposed.</p>	<p>The difference is the maximum term of supervised release that can be imposed upon revocation of supervised release.</p>



Scenario One

The defendant's federal offense was bank fraud, a Class B Felony. The court ordered a term of supervised release of 60 months. The defendant's term of supervised released was revoked and he was ordered to serve a term of imprisonment of 24 months. What is the maximum period of supervised release the court could re-impose if the defendant committed the bank fraud during each of the time frames below?



Scenario Two

The defendant's federal offense was bank fraud, a Class B Felony for which the maximum term of imprisonment upon revocation is 36 months. The court ordered a term of supervised release of 60 months. The defendant has a previous revocation in which he was ordered to serve a term of imprisonment of 12 months with 48 months of supervised release to follow. The defendant's term of supervised release is being revoked again and the court is ordering a term of imprisonment of 24 months on the revocation. What is the maximum period of supervised release the court may reimpose if the defendant committed the bank fraud during the three time frames below?



As this example illustrates, the amount of supervised release the court may impose upon revocation varies greatly depending upon the date of conviction.