



Probation and Supervised Release

This document serves as a quick reference to the federal statutes and provisions of the Guidelines Manual addressing the imposition of probation and supervised release as well as violations of their conditions. Please note that Chapter Seven of the Guidelines Manual (Violations of Probation and Supervised Release) contains Policy Statements, not Guidelines.

Terms of Supervised Release and Probation

| | Imprisonment Range 18 U.S.C. § 3559 | Statutorily Authorized TSR* 18 U.S.C. § 3583(b) | Guideline Authorized TSR USSG §5D1.2 | Imprisonment Upon Revocation 18 U.S.C. § 3583(e)(3) | Statutorily Authorized Probation Term** 18 U.S.C. § 3561 |
|-----------------------|---|---|--|---|--|
| Class A Felony | Life Imprisonment or Death | Not more than 5 years | 2-5 years | 5 years | Prohibited |
| Class B Felony | 25 years or more | Not more than 5 years | 2-5 years | 3 years | Prohibited |
| Class C Felony | 10 years ≤ term < 25 years | Not more than 3 years | 1-3 years | 2 years | 1-5 years |
| Class D Felony | 5 years ≤ term < 10 years | Not more than 3 years | 1-3 years | 2 years | 1-5 years |
| Class E Felony | 1 year < term < 5 years | Not more than 1 year | 1 year | 1 year | 1-5 years |
| Class A Misd. | 6 months < term ≤ 1 year | Not more than 1 year | 1 year | 1 year | 0-5 years |

*Some offenses, such as drug trafficking and sex offenses, have different statutorily authorized terms of supervised release.

**A violation of probation may result revocation and resentencing, up to the statutory maximum for the original offense.

Classification and Reporting of Violations - §§7B1.1 & 7B1.2

Grade **A**

- **Crime of Violence***;
- **Controlled Substance Offense***;
- **Possession of § 5845(a) Firearm or Destructive Device**

OR

- **Imprisonment > 20 years.**

Shall be promptly reported

*Use Definition at §4B1.2

Grade **B**

- **Any Other Felony***

Shall be promptly reported

*Punishable by a Term of Imprisonment Exceeding One Year.

Grade **C**

- **Misdemeanor**

OR

- **Technical Violations**

Shall be promptly reported unless:

- **Minor Violation,**
- **Not Part of a Continuing Pattern,**
- **No Undue Risk, and**
- **Consistent with any Court Directions**



Revocation of Probation and Supervised Release

Grade A or **Grade B**

The court shall revoke supervision.

Grade C

Revoke supervision or extend the term of supervision and/or modify conditions of supervision.

Grade B or **Grade C**

Minimum Term of 3, 4, 5, or 6 Months

1. Imprisonment; or
2. Imprisonment with TSR that substitutes community confinement or home detention for any portion of the minimum term.

Minimum Term of 7 or 8 Months

1. Imprisonment; or
2. Imprisonment with TSR that substitutes community confinement or home detention, provided that at least one half of minimum term involves imprisonment.

Section 7B1.4(f) recommends that the revocation shall run consecutively to any other sentence of imprisonment.

Mandatory Revocation - 18 U.S.C. §§ 3565(b) and 3583(g)



The court must revoke for certain violations of probation and supervised release:

1. firearms possession;
2. drug possession;
3. refusal to take drug test; or
4. four positive drug tests in a year.

Sections 3563(e) and 3583(d), however, provide a treatment exception for failed drug tests.

Revocation Table - §7B1.4

| Grade of Violation | Criminal History Category* | | | | | |
|--------------------|--|-------|-------|-------|-------|-------|
| | I | II | III | IV | V | VI |
| Grade C | 3-9 | 4-10 | 5-11 | 6-12 | 7-13 | 8-14 |
| Grade B | 4-10 | 6-12 | 8-14 | 12-18 | 18-24 | 21-27 |
| Grade A | (1) Except as provided in subdivision (2) below: | | | | | |
| | 12-18 | 15-21 | 18-24 | 24-30 | 30-37 | 33-41 |
| | (2) Where the defendant was on probation or supervised release as a result of a sentence for a Class A felony: | | | | | |
| | 24-30 | 27-33 | 30-37 | 37-46 | 46-57 | 51-63 |

*The criminal history category is the category applicable at the time the defendant originally was sentenced to a term of supervision.

