



2025 SUPERVISED RELEASE AMENDMENT

Implementation of Supervised Release Chapter 5, Part D

Introductory Comment

The new introductory comment to Part D of Chapter 5 emphasizes the **rehabilitative ends** of supervised release and highlights the need for courts to conduct an **individualized assessment** of an individual's need for supervision and, if needed, the length and conditions of supervised release.

Individualized Assessment

In making decisions about supervised release, a court should consider the statutory factors identified at 18 U.S.C. § 3583(c) and (e).

History & Characteristics of the Defendant

Nature & Circumstances of the Offense

**Purposes of Supervised Release:
Deterrence, Protecting the Public, Rehabilitation**

Guidelines

Sentencing Commission Policy Statements

Unwarranted Sentencing Disparities

Restitution

§5D1.1

Imposition of a Term of Supervised Release

If supervised release is not required by statute, a court should order supervised release when warranted by an **individualized assessment** of the need for supervision. The court should **state in open court** the reasons for imposing (or not imposing) supervised release.

Individual Subject to Deportation (§5D1.1(c))

Ordinarily court should not impose supervised release

Criminal History (§5D1.1, App. Note 2)

In general, the more serious the individual's criminal history, the greater the need for supervised release

Substance Use Disorder (§5D1.1, App. Note 3)

Highly recommended that court impose supervised release when individual is an abuser of controlled substances or alcohol

Domestic Violence (§5D1.1, App. Note 4)

Supervised release required by statute for first time domestic violence crimes; highly recommended in any other cases with imprisonment

First Step Act Time Credits (§5D1.1, App. Note 6)

Supervised release may affect application of time credits

Additional Considerations in Imposing Supervised Release

§5D1.2

Length of Supervised Release

The court should conduct an **individualized assessment** to determine the length of the term of supervised release, subject to applicable statutory minimum and maximum terms. The court should **state in open court** the reasons for the length of term imposed.

Maximum Terms of Supervised Release (Unless Otherwise Provided by Statute)

Class A Felony	or	Class B Felony	5	years
Class C Felony	or	Class D Felony	3	years
Class E Felony	or	Misdemeanor	1	year

Offenses with Specific Statutory Minimum & Maximum Supervised Release Terms

- *Drug Trafficking* (21 U.S.C. §§ 841, 960): Depends on Drug Quantity & Criminal History
- *Kidnapping of a Minor & Certain Sex Offenses* (18 U.S.C. § 3583(k)): At Least 5 Years, Up to Life
- *Terrorism Predicates* (18 U.S.C. § 3583(j)): Up to Life

§5D1.3

Conditions of Supervised Release

Mandatory, Standard, and Special Conditions

Section 5D1.3 identifies **mandatory**, **standard**, and **special** conditions of supervised release.

Mandatory Conditions (§5D1.3(a))

Conditions required by statute.

E.g., 18 U.S.C. §§ 3583(d), 3624(e); 34 U.S.C. § 40702.

Discretionary Conditions (§5D1.3(b))

Discretionary conditions include both **standard** and **special** conditions.

- **Standard conditions (§5D1.3(b)(2))**: warranted in many cases, but the court may modify, expand, or omit in appropriate cases
- **Special conditions (§5D1.3(b)(3))**: may be appropriate in particular cases

The court should conduct an **individualized assessment** to determine what **discretionary conditions**, if any, are warranted.

Conditions are warranted to the extent:

- 1 Reasonably related to—**
 - nature & circumstances of the offense
 - history & characteristics of the defendant
 - purposes of supervised release (deterrence, protecting the public, rehabilitation)
- 2 Involve no greater deprivation of liberty than reasonably necessary for the purposes of supervised release**
- 3 Consistent with Sentencing Commission policy statements**

§5D1.4

Modification, Early Termination, and Extension (Policy Statement)

Modification of Conditions §5D1.4(a)

Court may modify, reduce, or enlarge conditions when warranted by an **individualized assessment** of the appropriateness of existing conditions

Reassessment After Release

Courts are encouraged to conduct an assessment of conditions in consultation with probation after the defendant's release from imprisonment.

18 U.S.C. § 3583(e)(2))

Early Termination §5D1.4(b)

Court may terminate term:

- After one year of supervision has expired
- Based on an **individualized assessment** of the need for ongoing supervision
- If termination is warranted by the individual's conduct and interest of justice

18 U.S.C. § 3583(e)(1)

Extension §5D1.4(c)

Prior to the expiration or termination of a term of supervised, court may extend the term if:

- Less than statutory maximum was previously imposed
- Warranted by an **individualized assessment** of the need for further supervision

18 U.S.C. § 3583(e)(2)

Victim Notification (§5D1.4, App. Note 2)

Courts are encouraged to ensure victims are given notice and an opportunity to be heard about termination or modification of a condition relevant to a victim