



# 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.

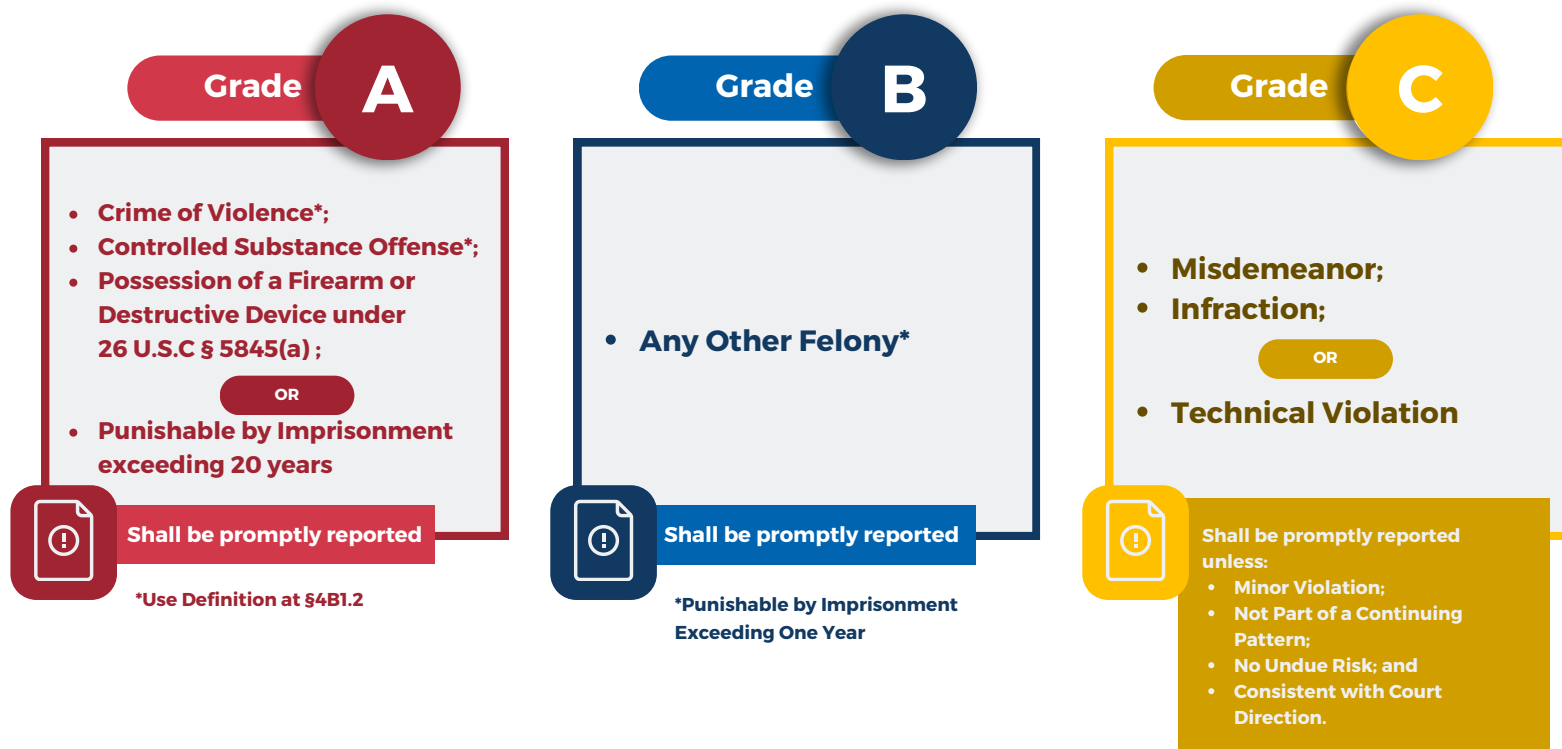
## Terms of Supervised Release and Probation

	<b>Imprisonment Range</b> 18 U.S.C. § 3559	<b>Statutorily Authorized TSR*</b> 18 U.S.C. § 3583(b)	<b>Guideline Authorized TSR</b> USSG §5D1.2	<b>Imprisonment Upon Revocation</b> 18 U.S.C. § 3583(e)(3)	<b>Statutorily Authorized Probation Term**</b> 18 U.S.C. § 3561
<b>Class A Felony</b>	Life Imprisonment or Death	Not more than 5 years	2–5 years	5 years	Prohibited
<b>Class B Felony</b>	25 years or more	Not more than 5 years	2–5 years	3 years	Prohibited
<b>Class C Felony</b>	10 years ≤ term < 25 years	Not more than 3 years	1–3 years	2 years	1–5 years
<b>Class D Felony</b>	5 years ≤ term < 10 years	Not more than 3 years	1–3 years	2 years	1–5 years
<b>Class E Felony</b>	1 year < term < 5 years	Not more than 1 year	1 year	1 year	1–5 years
<b>Class A Misd.</b>	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 in revocation and resentencing, up to the statutory maximum for the original offense.

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



## 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.

## 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
<b>Grade C</b>	3-9	4-10	5-11	6-12	7-13	8-14
<b>Grade B</b>	4-10	6-12	8-14	12-18	18-24	21-27
<b>Grade A</b>	(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.

