

Supervised Release

Chapter 5		
Provision	Before Amendment	After Amendment
General approach	Supervised release (SR) was often imposed reflexively, in most cases, with limited focus on individual circumstances.	Shift from reflexively imposing SR to requiring an “individualized assessment” at all relevant stages (imposition, modification, early termination, and revocation). Aim is to impose SR only when truly needed, while avoiding wasted resources on those who don’t. Clarifies SR’s goal is not punitive but rather is intended to support community reintegration, rehabilitation, and public safety.
§5D1.1 – Imposition of Supervised Release	SR required when (i) sentence involves 1+ year imprisonment; or (ii) mandated by statute.	Removes SR requirement for cases with 1+ year imprisonment. Now <i>required only if (i) warranted by individualized assessment</i>; or (ii) mandated by statute. Court must state individualized reasons for imposing or not imposing SR in open court. <i>Beware:</i> Having no SR term could render client ineligible for earning FSA time credits.
§5D1.2 – Length of Supervised Release	Recommends minimum SR terms based on offense classification (e.g., at least 2 for Class A/B felonies). Life term recommended for sex offenses.	<i>Removes recommended minimum SR terms</i> (statutory min/max remain). SR length determined by individualized assessment . Court must justify SR length in open court. Removes life term recommendation for sex offenses.
§5D1.3 – Conditions of Supervised Release	Standard conditions are recommended for SR and generally apply to all cases.	<i>Standard conditions are discretionary</i> and may be omitted. Courts must conduct individualized assessment to determine what, if any, discretionary conditions are warranted. Adds new discretionary conditions, including: No contact with victims; GED, vocational, or skills training if appropriate.

§5D1.4 – Modification, Early Termination, and Extension of Supervised Release	Commentary briefly discussed court’s authority to terminate or extend SR (§5D1.2, App. Note 5). In practice, courts rarely terminated SR shortly after 1 year.	New policy statement <i>encourages individualized assessment to remove unnecessary SR terms or conditions.</i> <u>Modification</u>: Recommends review of SR conditions shortly after release from prison for possible modification of conditions. <u>Early termination</u>: Encourages early termination after 1 year if warranted—requires consultation with probation and government, but not perfect compliance. <u>Extension</u>: Court may extend SR terms within statutory limits if warranted by individualized assessment. For modification or termination, court told to notify victims when relevant and appropriate.
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Chapter 7		
General approach	Probation and SR violations were treated identically under Part B.	Creates <i>new Part C for SR violations</i> , separate from probation in Part B. This change <i>underscores the distinct rehabilitative aim of SR</i> (contrasting with probation’s punitive focus), and encourages a different individualized, graduated, and rehabilitative response to SR violations.
New §7C1.3 – Responses to violations of SR	Revocation based largely on grade: Court “shall revoke” for Grade A or B, and “may” revoke for Grade C.	Requires courts to engage in “<i>individualized assessment</i>” to determine appropriate response. Revocation “generally appropriate” for Grade A; “often appropriate for Grade B” and “may be appropriate” for Grade C, but court retains full discretion. Commentary <i>encourages intermediate, graduated responses</i> (e.g., warnings, condition modifications, increased treatment, or extending SR) before reincarceration and the use of summons instead of arrest warrant when appropriate.

New §7C1.4 – Revocation	Prison term “must” run consecutively.	Prison term “generally should” run consecutively.
New §7C1.5 – Term of Imprisonment	Sentence length based largely on revocation table (§7B1.4).	<i>Sentence length based primarily on individualized assessment</i>, with consideration of revocation table. <i>See also</i> §7C1.4(a). Application note clarifies that criminal history category used for SR violations is determined by original sentencing calculation and is not impacted by subsequent retroactive amendments (<i>e.g.</i>, Amend. 821).