

Subsec. (e)(1). Pub. L. 103-322, §110505(2)(A), substituted "defendant" for "person" in two places.

Subsec. (e)(3). Pub. L. 103-322, §110505(2)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "revoke a term of supervised release, and require the person to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision, if it finds by a preponderance of the evidence that the person violated a condition of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation and to the provisions of applicable policy statements issued by the Sentencing Commission, except that a person whose term is revoked under this paragraph may not be required to serve more than 3 years in prison if the offense for which the person was convicted was a Class B felony, or more than 2 years in prison if the offense was a Class C or D felony; or".

Subsec. (e)(4). Pub. L. 103-322, §110505(2)(A), substituted "defendant" for "person".

Subsecs. (g) to (i). Pub. L. 103-322, §110505(3), added subsecs. (g) to (i) and struck out former subsec. (g) which read as follows:

"(g) POSSESSION OF CONTROLLED SUBSTANCES.—If the defendant is found by the court to be in the possession of a controlled substance, the court shall terminate the term of supervised release and require the defendant to serve in prison not less than one-third of the term of supervised release."

1990—Subsec. (d)(2). Pub. L. 101-647, §3589(1), inserted a comma after "3553(a)(2)(B)".

Subsec. (e)(2) to (5). Pub. L. 101-647, §3589(2)(A)–(C), struck out "or" at end of par. (2), substituted "; or" for period at end of par. (3), and redesignated par. (5) as (4).

1988—Subsec. (d). Pub. L. 100-690, §7303(b)(1), inserted "and that the defendant not possess illegal controlled substances" before period at end of first sentence.

Pub. L. 100-690, §7305(b)(1), substituted "(b)(20)" for "(b)(19)" in concluding provisions.

Subsec. (d)(1). Pub. L. 100-690, §7108(a)(1), inserted "(a)(2)(C)," after "(a)(2)(B);".

Subsec. (d)(2). Pub. L. 100-690, §7108(a)(2), which directed that "(a)(2)(C)," be inserted after "(a)(2)(B);", was executed by inserting "(a)(2)(C)," after "(a)(2)(B)" as the probable intent of Congress, because no comma appeared after "(a)(2)(B)".

Subsec. (e). Pub. L. 100-690, §7108(b)(1), inserted "(a)(2)(C)," after "(a)(2)(B)," in introductory provisions.

Subsec. (e)(2). Pub. L. 100-690, §7108(b)(2), inserted "or" after "supervision;".

Subsec. (e)(3). Pub. L. 100-690, §7305(b)(2)(A), which directed amendment of par. (3) by striking "or" at the end could not be executed because of the intervening amendment by Pub. L. 100-690, §7108(b)(3), (4). See below.

Pub. L. 100-690, §7108(b)(3), (4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: "treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title; or".

Subsec. (e)(4). Pub. L. 100-690, §7305(b)(2)(B), which directed amendment of par. (4) by striking the period at the end and inserting "; or" could not be executed because subsec. (e) did not contain a par. (4) after the intervening amendment by Pub. L. 100-690, §7108(b)(4). See below.

Pub. L. 100-690, §7108(b)(4), redesignated par. (4) as (3).

Subsec. (e)(5). Pub. L. 100-690, §7305(b)(2)(C), added par. (5).

Subsec. (g). Pub. L. 100-690, §7303(b)(2), added subsec. (g).

1987—Subsec. (b)(1). Pub. L. 100-182, §8(1), substituted "five years" for "three years".

Subsec. (b)(2). Pub. L. 100-182, §8(2), substituted "three years" for "two years".

Subsec. (b)(3). Pub. L. 100-182, §8(3), inserted "(other than a petty offense)" after "misdemeanor".

Subsec. (c). Pub. L. 100-182, §9, inserted "(a)(2)(C);".

Subsec. (e)(1). Pub. L. 100-182, §12(1), inserted "pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation,".

Subsec. (e)(2). Pub. L. 100-182, §12(2), struck out "after a hearing," before "extend a term" and inserted "the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and" after "pursuant to".

Subsec. (e)(4). Pub. L. 100-182, §25, inserted ", except that a person whose term is revoked under this paragraph may not be required to serve more than 3 years in prison if the offense for which the person was convicted was a Class B felony, or more than 2 years in prison if the offense was a Class C or D felony" before "Commission" at end.

1986—Subsec. (a). Pub. L. 99-570, §1006(a)(1), inserted ", except that the court shall include as a part of the sentence a requirement that the defendant be placed on a term of supervised release if such a term is required by statute".

Subsec. (b). Pub. L. 99-570, §1006(a)(2), substituted "Except as otherwise provided, the" for "The".

Subsec. (e). Pub. L. 99-570, §1006(a)(3)(A), and Pub. L. 99-646, §14(a)(1), amended section catchline identically, substituting "conditions or revocation" for "term or conditions".

Subsec. (e)(1). Pub. L. 99-646, §14(a)(2), struck out "previously ordered" before "and discharge".

Subsec. (e)(4). Pub. L. 99-570, §224(a)(3)(B)–(D), added par. (4).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-119 effective 1 year after Nov. 26, 1997, see section 115(c)(1) of Pub. L. 105-119, set out as a note under section 3521 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 7303(b) of Pub. L. 100-690 applicable with respect to persons whose probation, supervised release, or parole begins after Dec. 31, 1988, see section 7303(d) of Pub. L. 100-690, set out as a note under section 3563 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-182 applicable with respect to offenses committed after Dec. 7, 1987, see section 26 of Pub. L. 100-182, set out as a note under section 3006A of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Pub. L. 99-646, §14(b), Nov. 10, 1986, 100 Stat. 3594, provided that: "The amendments made by this section [amending this section] shall take effect on the date of the taking effect of section 3583 of title 18, United States Code [Nov. 1, 1987]."

Pub. L. 99-570, title I, §1006(a)(4), Oct. 27, 1986, 100 Stat. 3207-7, provided that: "The amendments made by this subsection [amending this section] shall take effect on the date of the taking effect of section 3583 of title 18, United States Code [Nov. 1, 1987]."

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3584. Multiple sentences of imprisonment

(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objec-

tive of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

(b) **FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.**—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

(c) **TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.**—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2000.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3585. Calculation of a term of imprisonment

(a) **COMMENCEMENT OF SENTENCE.**—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

(b) **CREDIT FOR PRIOR CUSTODY.**—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

- (1) as a result of the offense for which the sentence was imposed; or
- (2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2001.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3586. Implementation of a sentence of imprisonment

The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2001.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section,

see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

CHAPTER 228—DEATH SENTENCE

Sec. 3591.	Sentence of death.
3592.	Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
3593.	Special hearing to determine whether a sentence of death is justified.
3594.	Imposition of a sentence of death.
3595.	Review of a sentence of death.
3596.	Implementation of a sentence of death.
3597.	Use of State facilities.
3598.	Special provisions for Indian country.
3599.	Counsel for financially unable defendants.

PRIOR PROVISIONS

A prior chapter 228 (§§3591 to 3599) relating to imposition, payment, and collection of fines was added by Pub. L. 98-473, title II, §238(a), Oct. 12, 1984, 98 Stat. 2034, effective pursuant to section 235(a)(1) of Pub. L. 98-473 the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984. Pub. L. 98-596, §12(a)(1), Oct. 30, 1984, 98 Stat. 3139, repealed chapter 228 applicable pursuant to section 12(b) of Pub. L. 98-596 on and after the date of enactment of Pub. L. 98-473 (Oct. 12, 1984). Section 238(i) of Pub. L. 98-473 which repealed section 238 of Pub. L. 98-473 on the same date established by section 235(a)(1) of Pub. L. 98-473 was repealed by section 12(a)(9) of Pub. L. 98-596.

AMENDMENTS

2006—Pub. L. 109-177, title II, §222(b), Mar. 9, 2006, 120 Stat. 232, which directed amendment of the “table of sections of the bill” by adding item 3599 after item 3598, was executed by adding item 3599 to the table of sections for this chapter to reflect the probable intent of Congress.

§ 3591. Sentence of death

(a) A defendant who has been found guilty of—
(1) an offense described in section 794 or section 2381; or

(2) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

- (A) intentionally killed the victim;
- (B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

(D) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.