

ter and provisions set out as a note under this section] and the amendments made by this section shall take effect on the date of enactment of this Act [Oct. 30, 2004] and shall apply with respect to any offense committed, and to any judgment of conviction entered, before, on, or after that date of enactment.”

#### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-405, title IV, § 401, Oct. 30, 2004, 118 Stat. 2278, provided that: “This title [enacting this chapter and sections 14136e and 14163 to 14163e of Title 42, The Public Health and Welfare, amending section 2513 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under this section and section 14136 of Title 42] may be cited as the ‘Innocence Protection Act of 2004’.”

#### SYSTEM FOR REPORTING MOTIONS

Pub. L. 108-405, title IV, § 411(b), Oct. 30, 2004, 118 Stat. 2284, provided that:

“(1) **ESTABLISHMENT.**—The Attorney General shall establish a system for reporting and tracking motions filed in accordance with section 3600 of title 18, United States Code.

“(2) **OPERATION.**—In operating the system established under paragraph (1), the Federal courts shall provide to the Attorney General any requested assistance in operating such a system and in ensuring the accuracy and completeness of information included in that system.

“(3) **REPORT.**—Not later than 2 years after the date of enactment of this Act [Oct. 30, 2004], the Attorney General shall submit a report to Congress that contains—

“(A) a list of motions filed under section 3600 of title 18, United States Code, as added by this title;

“(B) whether DNA testing was ordered pursuant to such a motion;

“(C) whether the applicant obtained relief on the basis of DNA test results; and

“(D) whether further proceedings occurred following a granting of relief and the outcome of such proceedings.

“(4) **ADDITIONAL INFORMATION.**—The report required to be submitted under paragraph (3) may include any other information the Attorney General determines to be relevant in assessing the operation, utility, or costs of section 3600 of title 18, United States Code, as added by this title, and any recommendations the Attorney General may have relating to future legislative action concerning that section.”

### § 3600A. Preservation of biological evidence

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Government shall preserve biological evidence that was secured in the investigation or prosecution of a Federal offense, if a defendant is under a sentence of imprisonment for such offense.

(b) **DEFINED TERM.**—For purposes of this section, the term “biological evidence” means—

(1) a sexual assault forensic examination kit; or

(2) semen, blood, saliva, hair, skin tissue, or other identified biological material.

(c) **APPLICABILITY.**—Subsection (a) shall not apply if—

(1) a court has denied a request or motion for DNA testing of the biological evidence by the defendant under section 3600, and no appeal is pending;

(2) the defendant knowingly and voluntarily waived the right to request DNA testing of the biological evidence in a court proceeding conducted after the date of enactment of the Innocence Protection Act of 2004;

(3) after a conviction becomes final and the defendant has exhausted all opportunities for

direct review of the conviction, the defendant is notified that the biological evidence may be destroyed and the defendant does not file a motion under section 3600 within 180 days of receipt of the notice;

(4)(A) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

(B) the Government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing; or

(5) the biological evidence has already been subjected to DNA testing under section 3600 and the results included the defendant as the source of such evidence.

(d) **OTHER PRESERVATION REQUIREMENT.**—Nothing in this section shall preempt or supersede any statute, regulation, court order, or other provision of law that may require evidence, including biological evidence, to be preserved.

(e) **REGULATIONS.**—Not later than 180 days after the date of enactment of the Innocence Protection Act of 2004, the Attorney General shall promulgate regulations to implement and enforce this section, including appropriate disciplinary sanctions to ensure that employees comply with such regulations.

(f) **CRIMINAL PENALTY.**—Whoever knowingly and intentionally destroys, alters, or tampers with biological evidence that is required to be preserved under this section with the intent to prevent that evidence from being subjected to DNA testing or prevent the production or use of that evidence in an official proceeding, shall be fined under this title, imprisoned for not more than 5 years, or both.

(g) **HABEAS CORPUS.**—Nothing in this section shall provide a basis for relief in any Federal habeas corpus proceeding.

(Added Pub. L. 108-405, title IV, § 411(a)(1), Oct. 30, 2004, 118 Stat. 2283.)

#### REFERENCES IN TEXT

The date of enactment of the Innocence Protection Act of 2004, referred to in subsecs. (c)(2) and (e), is the date of enactment of Pub. L. 108-405, which was approved Oct. 30, 2004.

### CHAPTER 229—POSTSENTENCE ADMINISTRATION

Subchapter	Sec. <sup>1</sup>
<b>A. Probation .....</b>	<b>3601</b>
<b>B. Fines .....</b>	<b>3611</b>
<b>C. Imprisonment .....</b>	<b>3621</b>

#### PRIOR PROVISIONS

A prior chapter 229 (§ 3611 et seq.) was repealed (except sections 3611, 3612, 3615, 3617 to 3620 which were renumbered sections 3665 to 3671, respectively), by Pub. L. 98-473, title II, §§ 212(a)(1), (2), 235(a)(1), Oct. 12, 1984, 98 Stat. 1987, 2031, as amended, effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal. See Effective Date note set out under section 3551 of this title.

Section 3611 renumbered section 3665 of this title.

Section 3612 renumbered section 3666 of this title.

Section 3613, act June 25, 1948, ch. 645, 62 Stat. 840, related to fines for setting grass and timber fires.

<sup>1</sup> Editorially supplied.

Section 3614, act June 25, 1948, ch. 645, 62 Stat. 840, related to fine for seduction.

Section 3615 renumbered section 3667 of this title.

Section 3616, act June 25, 1948, ch. 645, 62 Stat. 840, authorized use of confiscated vehicles by narcotics agents and payment of costs of acquisition, maintenance, repair, and operation thereof, prior to repeal by Pub. L. 91-513, title III, §1101(b)(2)(A), Oct. 27, 1970, 84 Stat. 1292.

Section 3617 renumbered section 3668 of this title.

Section 3618 renumbered section 3669 of this title.

Section 3619 renumbered section 3670 of this title.

Section 3620 renumbered section 3671 of this title.

Section 3621, added Pub. L. 98-596, §6(a), Oct. 30, 1984, 98 Stat. 3136, related to criminal default on fine.

Section 3622, added Pub. L. 98-596, §6(a), Oct. 30, 1984, 98 Stat. 3136, related to factors relating to imposition of fines.

Section 3623, added Pub. L. 98-596, §6(a), Oct. 30, 1984, 98 Stat. 3137, related to alternative fines.

Section 3624, added Pub. L. 98-596, §6(a), Oct. 30, 1984, 98 Stat. 3138, related to security for stayed fine.

## SUBCHAPTER A—PROBATION

### SUBCHAPTER A—PROBATION<sup>1</sup>

Sec.	
3601.	Supervision of probation.
3602.	Appointment of probation officers.
3603.	Duties of probation officers.
3604.	Transportation of a probationer.
3605.	Transfer of jurisdiction over a probationer.
3606.	Arrest and return of a probationer.
3607.	Special probation and expungement procedures for drug possessors.
3608.	Drug testing of Federal offenders on post-conviction release.

### AMENDMENTS

1994—Pub. L. 103-322, title II, §20414(a)(2), title XXXIII, §330010(3), Sept. 13, 1994, 108 Stat. 1830, 2143, transferred analysis of this subchapter to follow heading for this subchapter and added item 3608.

1990—Pub. L. 101-647, title XXXV, §3590, Nov. 29, 1990, 104 Stat. 4930, substituted “possessors” for “possessor” in item 3607.

### § 3601. Supervision of probation

A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

(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.

### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-134, title I, §101[(a)] [title VIII, §801], Apr. 26, 1996, 110 Stat. 1321, 1321-66; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided that: “This title [enacting sections 1915A and 1932 of Title 28, Judiciary and Judicial Procedure, amending sections 3624 and 3626 of this title, section 523 of Title 11, Bankruptcy, sections 1346 and 1915 of Title 28, and sections 1997a to 1997c, 1997e, 1997f, and 1997h of Title 42,

The Public Health and Welfare, enacting provisions set out as notes under section 3626 of this title, and repealing provisions set out as a note under section 3626 of this title] may be cited as the ‘Prison Litigation Reform Act of 1995’.”

### POST INCARCERATION VOCATIONAL AND REMEDIAL EDUCATIONAL OPPORTUNITIES FOR INMATES

Pub. L. 107-273, div. B, title II, §2411, Nov. 2, 2002, 116 Stat. 1799, provided that:

“(a) FEDERAL REENTRY CENTER DEMONSTRATION.—

“(1) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—The Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall establish the Federal Reentry Center Demonstration project. The project shall involve appropriate prisoners from the Federal prison population and shall utilize community corrections facilities, home confinement, and a coordinated response by Federal agencies to assist participating prisoners in preparing for and adjusting to reentry into the community.

“(2) PROJECT ELEMENTS.—The project authorized by paragraph (1) shall include the following core elements:

“(A) A Reentry Review Team for each prisoner, consisting of a representative from the Bureau of Prisons, the United States Probation System, the United States Parole Commission, and the relevant community corrections facility, who shall initially meet with the prisoner to develop a reentry plan tailored to the needs of the prisoner.

“(B) A system of graduated levels of supervision with the community corrections facility to promote community safety, provide incentives for prisoners to complete the reentry plan, including victim restitution, and provide a reasonable method for imposing sanctions for a prisoner’s violation of the conditions of participation in the project.

“(C) Substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed.

“(3) PROBATION OFFICERS.—From funds made available to carry out this section, the Director of the Administrative Office of the United States Courts shall assign 1 or more probation officers from each participating judicial district to the Reentry Demonstration project. Such officers shall be assigned to and stationed at the community corrections facility and shall serve on the Reentry Review Teams.

“(4) PROJECT DURATION.—The Reentry Center Demonstration project shall begin not later than 6 months following the availability of funds to carry out this subsection, and shall last 3 years.

“(b) DEFINITIONS.—In this section, the term ‘appropriate prisoner’ shall mean a person who is considered by prison authorities—

“(1) to pose a medium to high risk of committing a criminal act upon reentering the community; and

“(2) to lack the skills and family support network that facilitate successful reintegration into the community.

“(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, to remain available until expended—

“(1) to the Federal Bureau of Prisons—

“(A) \$1,375,000 for fiscal year 2003;

“(B) \$1,110,000 for fiscal year 2004;

“(C) \$1,130,000 for fiscal year 2005;

“(D) \$1,155,000 for fiscal year 2006; and

“(E) \$1,230,000 for fiscal year 2007; and

“(2) to the Federal Judiciary—

“(A) \$3,380,000 for fiscal year 2003;

“(B) \$3,540,000 for fiscal year 2004;

“(C) \$3,720,000 for fiscal year 2005;

<sup>1</sup> So in original. Probably should not appear.