

and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1998; amended Pub. L. 100-690, title VII, §7107, Nov. 18, 1988, 102 Stat. 4418; Pub. L. 101-647, title XXXV, §3588, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title VII, §70002, Sept. 13, 1994, 108 Stat. 1984; Pub. L. 104-294, title VI, §604(b)(3), Oct. 11, 1996, 110 Stat. 3506; Pub. L. 107-273, div. B, title III, §3006, Nov. 2, 2002, 116 Stat. 1806.)

#### REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b)(2), are set out in the Appendix to this title.

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in subsec. (d), is Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§801 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

#### AMENDMENTS

2002—Subsec. (c)(1)(A). Pub. L. 107-273 inserted “(and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment)” after “may reduce the term of imprisonment” in introductory provisions.

1996—Subsec. (c)(1)(A)(i). Pub. L. 104-294 inserted “or” after semicolon at end.

1994—Subsec. (c)(1)(A). Pub. L. 103-322, inserted a dash after “if it finds that”, designated “extraordinary and

compelling reasons warrant such a reduction” as cl. (i), inserted a semicolon at end of cl. (i), realigned margins accordingly, and added cl. (ii) before concluding provisions.

1990—Subsec. (b)(2). Pub. L. 101-647 inserted “of the Federal Rules of Criminal Procedure” after “rule 35”.

1988—Subsec. (c)(2). Pub. L. 100-690 substituted “994(o)” for “994(n)”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

#### 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.

### § 3583. Inclusion of a term of supervised release after imprisonment

(a) IN GENERAL.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment, 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 or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b).

(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.—Except as otherwise provided, the authorized terms of supervised release are—

(1) for a Class A or Class B felony, not more than five years;

(2) for a Class C or Class D felony, not more than three years; and

(3) for a Class E felony, or for a misdemeanor (other than a petty offense), not more than one year.

(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision and that the defendant not unlawfully possess a controlled substance. The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant. The court shall order, as an explicit condition of supervised release for a person required to register

under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act. The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000. The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4).<sup>1</sup> The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test. The court may order, as a further condition of supervised release, to the extent that such condition—

(1) is reasonably related to the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), and (a)(2)(D);

(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and

(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation. The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Of-

fender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

(e) MODIFICATION OF CONDITIONS OR REVOCATION.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or

(4) order the defendant to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

<sup>1</sup> See References in Text note below.

(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COMPLY WITH DRUG TESTING.—If the defendant—

(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm;

(3) refuses to comply with drug testing imposed as a condition of supervised release; or

(4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B) is any term of years or life.

(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 1594(c), 2241, 2242, 2243, 2244, 2245, 2250, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years not less than 5, or life. If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1999; amended Pub. L. 99-570, title

I, §1006(a)(1)–(3), Oct. 27, 1986, 100 Stat. 3207-6; Pub. L. 99-646, §14(a), Nov. 10, 1986, 100 Stat. 3594; Pub. L. 100-182, §§8, 9, 12, 25, Dec. 7, 1987, 101 Stat. 1267, 1268, 1272; Pub. L. 100-690, title VII, §§7108, 7303(b), 7305(b), Nov. 18, 1988, 102 Stat. 4418, 4464, 4465; Pub. L. 101-647, title XXXV, §3589, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title II, §20414(c), title XI, §110505, title XXXII, §320921(c), Sept. 13, 1994, 108 Stat. 1831, 2016, 2130; Pub. L. 105-119, title I, §115(a)(8)(B)(iv), Nov. 26, 1997, 111 Stat. 2466; Pub. L. 106-546, §7(b), Dec. 19, 2000, 114 Stat. 2734; Pub. L. 107-56, title VIII, §812, Oct. 26, 2001, 115 Stat. 382; Pub. L. 107-273, div. B, title II, §2103(b), title III, §3007, Nov. 2, 2002, 116 Stat. 1793, 1806; Pub. L. 108-21, title I, §101, Apr. 30, 2003, 117 Stat. 651; Pub. L. 109-177, title II, §212, Mar. 9, 2006, 120 Stat. 230; Pub. L. 109-248, title I, §141(e), title II, §210(b), July 27, 2006, 120 Stat. 603, 615; Pub. L. 110-406, §14(b), Oct. 13, 2008, 122 Stat. 4294; Pub. L. 114-22, title I, §114(d), May 29, 2015, 129 Stat. 242.)

#### REFERENCES IN TEXT

The Sex Offender Registration and Notification Act, referred to in subsecs. (d) and (k), is title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, which is classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 16901 of Title 42 and Tables.

Section 3 of the DNA Analysis Backlog Elimination Act of 2000, referred to in subsec. (d), is classified to section 14135a of Title 42, The Public Health and Welfare.

Section 3563(a)(4), referred to in subsec. (d), probably means the par. (4) of section 3563(a) added by section 20414(b)(3) of Pub. L. 103-322, which was renumbered par. (5) by Pub. L. 104-132, title II, §203(1)(C), Apr. 24, 1996, 110 Stat. 1227.

The Federal Rules of Criminal Procedure, referred to in subsec. (e)(1), (2), (3), are set out in the Appendix to this title.

#### AMENDMENTS

2015—Subsec. (k). Pub. L. 114-22, which directed amendment of subsec. (k) by inserting “1594(c),” after “1591,” was executed by making the insertion after “1591,” the first place appearing to reflect the probable intent of Congress.

2008—Subsec. (d). Pub. L. 110-406 substituted “section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.” for “section 3563(b)(1) through (b)(10) and (b)(12) through (b)(20), and any other condition it considers to be appropriate.” in concluding provisions.

2006—Subsec. (d). Pub. L. 109-248, §§141(e)(1), 210(b), substituted “required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act.” for “described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).” in third sentence of introductory provisions and inserted “The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer,

other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions." at end of concluding provisions.

Subsec. (j). Pub. L. 109-177 struck out ", the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person," before "is any term of years or life."

Subsec. (k). Pub. L. 109-248, §141(e)(2), substituted "2243, 2244, 2245, 2250" for "2244(a)(1), 2244(a)(2)", inserted "not less than 5," after "any term of years", and inserted "If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years." at end.

2003—Subsec. (e)(3). Pub. L. 108-21, §101(1), inserted "on any such revocation" after "required to serve".

Subsec. (h). Pub. L. 108-21, §101(2), struck out "that is less than the maximum term of imprisonment authorized under subsection (e)(3)" after "required to serve a term of imprisonment".

Subsec. (k). Pub. L. 108-21, §101(3), added subsec. (k). 2002—Subsecs. (c), (e). Pub. L. 107-273, §3007, substituted "(a)(6), and (a)(7)" for "and (a)(6)".

Subsec. (g)(4). Pub. L. 107-273, §2103(b), added par. (4). 2001—Subsec. (j). Pub. L. 107-56 added subsec. (j).

2000—Subsec. (d). Pub. L. 106-546 inserted "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000." before "The court shall also order."

1997—Subsec. (d). Pub. L. 105-119 inserted after second sentence "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)."

1994—Subsec. (a). Pub. L. 103-322, §320921(c)(1), inserted before period at end "or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b)".

Subsec. (d). Pub. L. 103-322, §320921(c)(2), inserted after first sentence "The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant."

Pub. L. 103-322, §20414(c), inserted after first sentence "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall

be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test."

Pub. L. 103-322, §110505(1), substituted "unlawfully possess a controlled substance" for "possess illegal controlled substances" in first sentence.

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 ef-

fect 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 objective 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.)