

(2)(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

(3) 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; amended Pub. L. 114-324, §11(b), Dec. 16, 2016, 130 Stat. 1957.)

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-324, §11(b)(1), substituted “sentenced to” for “under a sentence of”.

Subsec. (c). Pub. L. 114-324, §11(b)(2), redesignated pars. (3) to (5) as (1) to (3), respectively, and struck out former pars. (1) and (2) which read as follows:

“(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;”.

CHAPTER 229—POSTSENTENCE ADMINISTRATION

Table with 2 columns: Subchapter and Sec. 1. Rows include A. Probation (3601), B. Fines (3611), C. Imprisonment (3621), and D. Risk and Needs Assessment (3631).

1 Editorially supplied.

2 So in original. Does not conform to subchapter heading.

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.
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.

AMENDMENTS

2018—Pub. L. 115-391, title I, §101(b), Dec. 21, 2018, 132 Stat. 5208, added item for subchapter D.

SUBCHAPTER A—PROBATION

SUBCHAPTER A—PROBATION<sup>1</sup>

Table with 2 columns: Sec. and description. Rows include 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.

Editorial Notes

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

1 So in original. Probably should not appear.