

less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of subparagraphs (A) through (D) of section 3591(a)(2) of this title;

(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.

(g)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

(2) As used in this section—

(A) the term “falsely registers” means registers in a manner that prevents the effective identification of or contact with the person who registers; and

(B) the term “domain name” has the meaning given that term is¹ section 45 of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes” approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946”) (15 U.S.C. 1127).

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1991; amended Pub. L. 100-185, §5, Dec. 11, 1987, 101 Stat. 1279; Pub. L. 100-690, title VII, §7041, Nov. 18, 1988, 102 Stat. 4399; Pub. L. 103-322, title VII, §70001, Sept. 13, 1994, 108 Stat. 1982; Pub. L. 105-314, title V, §501, Oct. 30, 1998, 112 Stat. 2980; Pub. L. 105-386, §1(b), Nov. 13, 1998, 112 Stat. 3470; Pub. L. 108-21, title I, §106(a), Apr. 30, 2003, 117 Stat. 654; Pub. L. 108-482, title II, §204(a), Dec. 23, 2004, 118 Stat. 3917; Pub. L. 109-248, title II, §§202, 206(c), July 27, 2006, 120 Stat. 612, 614.)

Editorial Notes

AMENDMENTS

2006—Subsec. (e)(2)(A). Pub. L. 109-248, §206(c), inserted “1591 (relating to sex trafficking of children),” after “under section”.

Subsecs. (f), (g). Pub. L. 109-248, §202, added subsec. (f) and redesignated former subsec. (f) as (g).

2004—Subsec. (f). Pub. L. 108-482 added subsec. (f).

2003—Subsec. (e). Pub. L. 108-21 added subsec. (e).

1998—Subsec. (c)(2)(F)(i). Pub. L. 105-386 inserted “firearms possession (as described in section 924(c));” after “firearms use;”.

Subsec. (d). Pub. L. 105-314 added subsec. (d).

1994—Subsec. (b). Pub. L. 103-322, §70001(1), substituted “Except as provided in subsection (c), an” for “An”.

Subsec. (c). Pub. L. 103-322, §70001(2), added subsec. (c).

¹ So in original. Probably should be “in”.

1988—Subsec. (a). Pub. L. 100-690, §7041(a)(1), substituted “classified if the maximum term of imprisonment authorized is—” for “classified—

“(1) if the maximum term of imprisonment authorized is—”.

Subsec. (a)(1) to (9). Pub. L. 100-690, §7041(a)(2), (b), redesignated subpars. (A) to (I) as pars. (1) to (9), respectively, and substituted “twenty-five” for “twenty” in pars. (2) and (3).

1987—Subsec. (b). Pub. L. 100-185 substituted “, except that the maximum term of imprisonment is the term authorized by the law describing the offense.” for “except that:

“(1) the maximum fine that may be imposed is the fine authorized by the statute describing the offense, or by this chapter, whichever is the greater; and

“(2) the maximum term of imprisonment is the term authorized by the statute describing the offense.”

Statutory Notes and Related Subsidiaries

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.

SUBCHAPTER B—PROBATION

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Sec.	
3561.	Sentence of probation.
3562.	Imposition of a sentence of probation.
3563.	Conditions of probation.
3564.	Running of a term of probation.
3565.	Revocation of probation.
3566.	Implementation of a sentence of probation.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330010(3), Sept. 13, 1994, 108 Stat. 2143, transferred analysis for this subchapter to follow heading for this subchapter.

§ 3561. Sentence of probation

(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of probation unless—

(1) the offense is a Class A or Class B felony and the defendant is an individual;

(2) the offense is an offense for which probation has been expressly precluded; or

(3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense that is not a petty offense.

(b) DOMESTIC VIOLENCE OFFENDERS.—A defendant who has been convicted for the first time of a domestic violence crime shall be sentenced to a term of probation if not sentenced to a term of imprisonment. The term “domestic violence crime” means a crime of violence for which the defendant may be prosecuted in a court of the United States in which the victim or intended victim is the spouse, former spouse, intimate partner, former intimate partner, child, or former child of the defendant, or any other relative of the defendant.

(c) AUTHORIZED TERMS.—The authorized terms of probation are—

¹ So in original. Probably should not appear.