

AMENDMENTS

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

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

Subsec. (a)(1)(B)(i). Pub. L. 114-324, §11(a)(2)(A), struck out “death” after “Federal”.

Subsec. (a)(3)(A). Pub. L. 114-324, §11(a)(2)(B), struck out dash after “the applicant did not” and cl. (ii) designation before “knowingly fail” and struck out cl. (i) which read as follows: “knowingly and voluntarily waive the right to request DNA testing of that evidence in a court proceeding after the date of enactment of the Innocence Protection Act of 2004; or”.

Subsec. (b)(1)(C). Pub. L. 114-324, §11(a)(3), added subpar. (C).

Subsec. (e)(1). Pub. L. 114-324, §11(a)(4)(A), amended par. (1) generally. Prior to amendment, text read as follows: “The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.”

Subsec. (e)(2). Pub. L. 114-324, §11(a)(4)(B), substituted “to NDIS” for “to the National DNA Index System (referred to in this subsection as ‘NDIS’)”.

Subsec. (g)(2)(A). Pub. L. 114-324, §11(a)(1), substituted “sentenced to” for “under a sentence of”.

Subsec. (g)(2)(B). Pub. L. 114-324, §11(a)(5), struck out “death” after “during a Federal”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 108-405, title IV, §411(c), Oct. 30, 2004, 118 Stat. 2284, provided that: “This section [enacting this chapter 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 sentenced to 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) 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;

(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 2 (3631).

Editorial Notes

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.

- List of prior provisions including Section 3611 renumbered section 3665, Section 3612 renumbered section 3666, Section 3613, Section 3614, Section 3615, Section 3616, Section 3617, Section 3618, Section 3619, Section 3620, Section 3621, Section 3622, and Section 3623.

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 1

Table with 2 columns: Sec. and description. Row 1: 3601. Supervision of probation.

1 Editorially supplied.
2 So in original. Does not conform to subchapter heading.
1 So in original. Probably should not appear.

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

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.

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: