

United States Code Annotated  
Federal Sentencing Guidelines (Refs & Annos)  
Chapter Five. Determining the Sentence (Refs & Annos)  
Part D. Supervised Release

USSG, § 5D1.3, 18 U.S.C.A.

§ 5D1.3. Conditions of Supervised Release

Currentness

**(a) Mandatory Conditions**

- (1) The defendant shall not commit another federal, state or local offense (see [18 U.S.C. § 3583\(d\)](#)).
- (2) The defendant shall not unlawfully possess a controlled substance (see [18 U.S.C. § 3583\(d\)](#)).
- (3) The defendant who is convicted for a domestic violence crime as defined in [18 U.S.C. § 3561\(b\)](#) for the first time shall attend a public, private, or private non-profit 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 available within a 50-mile radius of the legal residence of the defendant (see [18 U.S.C. § 3583\(d\)](#)).
- (4) The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable information indicates a low risk of future substance abuse by the defendant (see [18 U.S.C. § 3583\(d\)](#)).
- (5) If a fine is imposed and has not been paid upon release to supervised release, the defendant shall adhere to an installment schedule to pay that fine (see [18 U.S.C. § 3624\(e\)](#)).
- (6) The defendant shall (A) make restitution in accordance with [18 U.S.C. 3663](#) and [3663A](#), or any other statute authorizing a sentence of restitution; and (B) pay the assessment imposed in accordance with [18 U.S.C. § 3013](#). If there is a court-established payment schedule for making restitution or paying the assessment (see [18 U.S.C. § 3572\(d\)](#)), the defendant shall adhere to the schedule.
- (7) If the defendant is required to register under the Sex Offender Registration and Notification Act, the defendant shall comply with the requirements of that Act (see [18 U.S.C. § 3583\(d\)](#)).

(8) The defendant shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. § 40702).

**(b) Discretionary Conditions**

The court may impose other conditions of supervised release to the extent that such conditions (1) are reasonably related to (A) the nature and circumstances of the offense and the history and characteristics of the defendant; (B) the need for the sentence imposed to afford adequate deterrence to criminal conduct; (C) the need to protect the public from further crimes of the defendant; and (D) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and (2) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above and are consistent with any pertinent policy statements issued by the Sentencing Commission.

**(c) “Standard” Conditions (Policy Statement)**

The following “standard” conditions are recommended for supervised release. Several of the conditions are expansions of the conditions required by statute:

(1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.

(2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.

(3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.

(4) The defendant shall answer truthfully the questions asked by the probation officer.

(5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

(6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.

(7) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or the job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

(8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.

(9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.

(10) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).

(11) The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

(12) If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.

(13) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

**(d) “Special” Conditions (Policy Statement)**

The following “special” conditions of supervised release are recommended in the circumstances described and, in addition, may otherwise be appropriate in particular cases:

**(1) Support of Dependents**

(A) If the defendant has one or more dependents--a condition specifying that the defendant shall support his or her dependents.

(B) If the defendant is ordered by the government to make child support payments or to make payments to support a person caring for a child--a condition specifying that the defendant shall make the payments and comply with the other terms of the order.

**(2) Debt Obligations**

If an installment schedule of payment of restitution or a fine is imposed--a condition prohibiting the defendant from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the payment schedule.

**(3) Access to Financial Information**

If the court imposes an order of restitution, forfeiture, or notice to victims, or orders the defendant to pay a fine--a condition requiring the defendant to provide the probation officer access to any requested financial information.

**(4) Substance Abuse**

If the court has reason to believe that the defendant is an abuser of narcotics, other controlled substances or alcohol--(A) a condition requiring the defendant to participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol; and (B) a condition specifying that the defendant shall not use or possess alcohol.

**(5) Mental Health Program Participation**

If the court has reason to believe that the defendant is in need of psychological or psychiatric treatment--a condition requiring that the defendant participate in a mental health program approved by the United States Probation Office.

**(6) Deportation**

If (A) the defendant and the United States entered into a stipulation of deportation pursuant to section 238(c)(5) of the Immigration and Nationality Act (8 U.S.C. § 1228(c)(5)<sup>1</sup>); or (B) in the absence of a stipulation of deportation, if, after notice and hearing pursuant to such section, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable--a condition ordering deportation by a United States district court or a United States magistrate judge.

**(7) Sex Offenses**

If the instant offense of conviction is a sex offense, as defined in Application Note 1 of the Commentary to § 5D1.2 (Term of Supervised Release)--

(A) A condition requiring the defendant to participate in a program approved by the United States Probation Office for the treatment and monitoring of sex offenders.

(B) A condition limiting the use of a computer or an interactive computer service in cases in which the defendant used such items.

(C) A condition requiring the defendant to submit to a search, at any time, with or without a warrant, and by any law enforcement or probation officer, of the defendant's person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects upon reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer's supervision functions.

**(8) Unpaid Restitution, Fines, or Special Assessments**

If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

**(e) Additional Conditions (Policy Statement)**

The following “special conditions” may be appropriate on a case-by-case basis:

**(1) Community Confinement**

Residence in a community treatment center, halfway house or similar facility may be imposed as a condition of supervised release. See [§ 5F1.1](#) (Community Confinement).

**(2) Home Detention**

Home detention may be imposed as a condition of supervised release, but only as a substitute for imprisonment. See [§ 5F1.2](#) (Home Detention).

**(3) Community Service**

Community service may be imposed as a condition of supervised release. See [§ 5F1.3](#) (Community Service).

**(4) Occupational Restrictions**

Occupational restrictions may be imposed as a condition of supervised release. See [§ 5F1.5](#) (Occupational Restrictions).

**(5) Curfew**

A condition imposing a curfew may be imposed if the court concludes that restricting the defendant to his place of residence during evening and nighttime hours is necessary to protect the public from crimes that the defendant might commit during those hours, or to assist in the rehabilitation of the defendant. Electronic monitoring may be used as a means of surveillance to ensure compliance with a curfew order.

**(6) Intermittent Confinement**

Intermittent confinement (custody for intervals of time) may be ordered as a condition of supervised release during the first year of supervised release, but only for a violation of a condition of supervised release in accordance with [18 U.S.C. § 3583\(e\)\(2\)](#) and only when facilities are available. See [§ 5F1.8](#) (Intermittent Confinement).

**CREDIT(S)**

(Effective November 1, 1987; amended effective November 1, 1989; November 1, 1997; November 1, 1998; November 1, 2000; November 1, 2001; November 1, 2002; November 1, 2004; November 1, 2007; November 1, 2009; November 1, 2016; November 1, 2018.)

Footnotes

**1** So in original. Probably should be [8 U.S.C. § 1228\(d\)\(5\)](#).  
Federal Sentencing Guidelines, § 5D1.3, 18 U.S.C.A., FSG § 5D1.3  
As amended to 3-1-19.