



Conditions of Supervision: Overview of Changes





2016 Revision of the Conditions of Probation and Supervised Release

NOV 1, 2016

National Judgment Forms

A white icon of a document with a folded top-right corner and several horizontal lines representing text, set against a dark grey background.

Public Document on Conditions

A white icon of a computer monitor displaying a globe with a document icon and a downward-pointing arrow, set against a dark grey background.

Changes to the *Guide to Judiciary Policy*

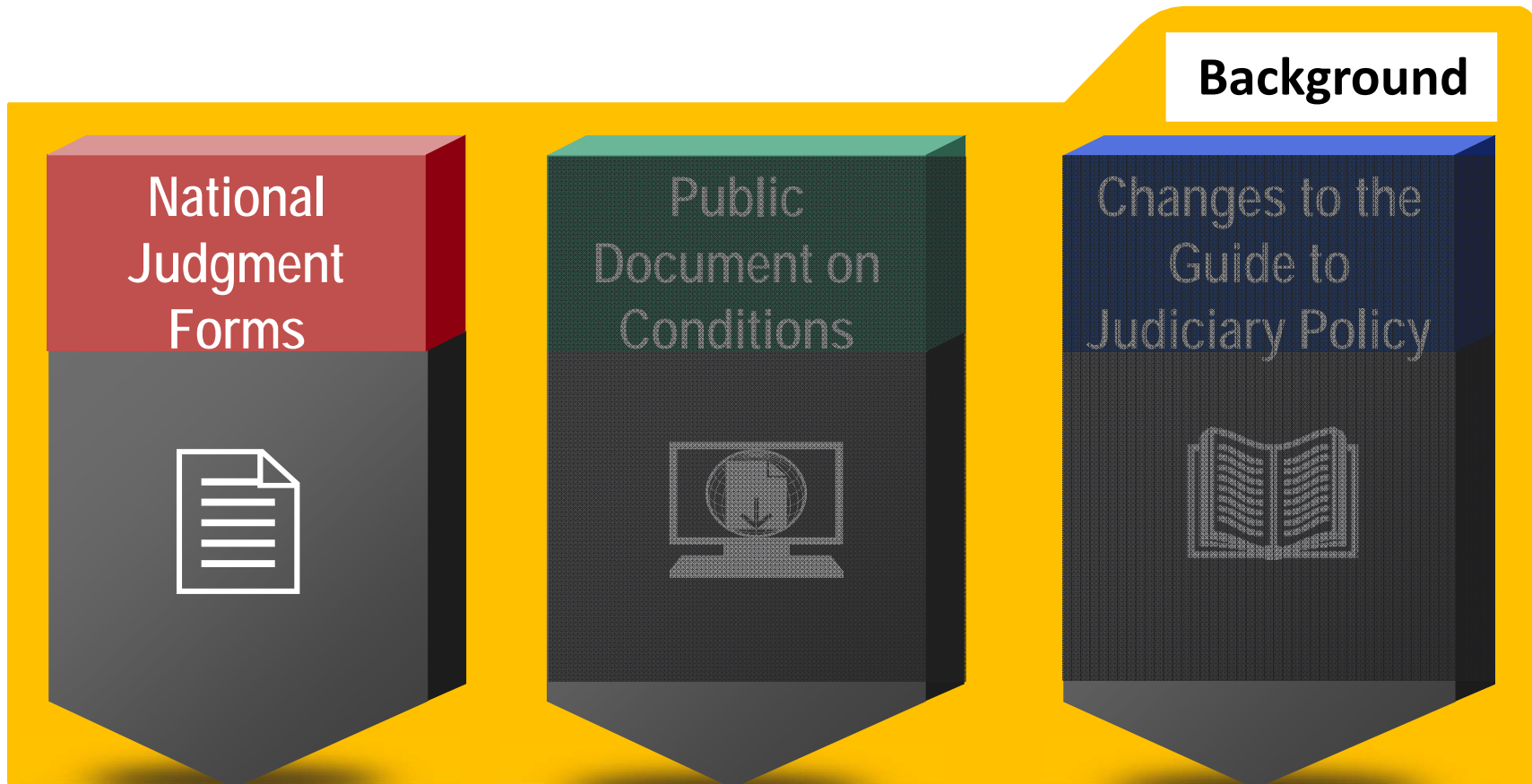
A white icon of an open book with visible pages, set against a dark grey background.



2016 Revision of the Conditions of Probation and Supervised Release



NOV 1, 2016



The Revised J & C Form



Changes Made to National Judgment Forms



Changes Made to National Judgment Forms

1. Eliminating standard conditions not applicable in every case;
2. Eliminating standard conditions addressed by other mandatory or standard conditions;

SUPERVISED RELEASE

on the attached page.

The Revised I & C Form

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) ~~the defendant shall support his or her dependents and meet other family responsibilities;~~
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) ~~the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;~~
- 8) ~~the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;~~
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.



Changes Made to National Judgment Forms

1. Eliminating standard conditions not applicable in every case;
2. Eliminating standard conditions addressed by other mandatory or standard conditions;
3. Amending standard conditions to improve effectiveness of supervision;



Changes Made to National Judgment Forms

1. Eliminating standard conditions not applicable in every case;
2. Eliminating standard conditions addressed by other mandatory or standard conditions;
3. Amending standard conditions to improve effectiveness of supervision;
4. Ensuring that standard conditions do not contain multiple requirements;



The Revised J & C Form



New

Language



AO 245B (Rev. 11/16) Judgment in a Criminal Case
Sheet 3A — Supervised Release

Judgment—Page _____ of _____

DEFENDANT:
CASE NUMBER:

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

OLD

4) You must answer truthfully the questions asked by your probation officer.

13) You must follow the instructions of the probation officer related to the conditions of supervision.

- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered...
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

- 8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10. You must 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. You must 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 you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this



Changes Made to National Judgment Forms

1. Eliminating standard conditions not applicable in every case;
2. Eliminating standard conditions addressed by other mandatory or standard conditions;
3. Amending standard conditions to improve effectiveness of supervision;
4. Ensuring that standard conditions do not contain multiple requirements;
5. Re-organizing standard conditions to make them easier to understand;



The Revised J & C Form



Language



AO 245B (Rev. 11/16) Judgment in a Criminal Case
Sheet 3A — Supervised Release

Judgment—Page 04

New

DEFENDANT:
CASE NUMBER:

STANDARD CONDITIONS

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must 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, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must 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, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must 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. You must 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 you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this



Changes Made to National Judgment Forms

1. Eliminating standard conditions not applicable in every case;
2. Eliminating standard conditions addressed by other mandatory or standard conditions;
3. Amending standard conditions to improve effectiveness of supervision;
4. Ensuring that standard conditions do not contain multiple requirements;
5. Re-organizing standard conditions to make them easier to understand;
6. Adding a knowledge requirement for violating some standard conditions;



The Revised J & C Form



Language



New

AO 245B (Rev. 11/16) Judgment in a Criminal Case

- 3) You must not **knowingly** leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

- 8) You must not communicate or interact with someone **you know** is engaged in criminal activity. If **you know** someone has been convicted of a felony, you must not **knowingly** communicate or interact with that person without first getting the permission of the probation officer.

person and confirm that you have notified the person about the risk.

13. You must follow the instructions of the probation officer related to the conditions of supervision.

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4. Ensuring that standard conditions do not contain multiple requirements;
5. Re-organizing standard conditions to make them easier to understand;
6. Adding a knowledge requirement for violating some standard conditions;
7. Adding a preamble and signature line;



The Revised J & C Form



Language



AO 245B (Rev. 11/16) Judgment in a Criminal Case
Sheet 3A — Supervised Release

New

Judgment—Page 04

DEFENDANT:
CASE NUMBER:

STANDARD CONDITIONS

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“As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.”



The Revised J & C Form



Language

Format



New

AO 245B (Rev. 11/16) Judgment in a Criminal Case
Sheet 3A — Supervised Release

Judgment—Page _____ of _____

DEFENDANT:
CASE NUMBER:

STANDARD CONDITIONS

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and

U.S. Probation Office Use Only

I

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

10. You must 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. You must 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 you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this



Changes Made to National Judgment Forms

1. Eliminating standard conditions not applicable in every case;
2. Eliminating standard conditions addressed by other mandatory or standard conditions;
3. Amending standard conditions to improve effectiveness of supervision;
4. Ensuring that standard conditions do not contain multiple requirements;
5. Re-organizing standard conditions to make them easier to understand;
6. Adding a knowledge requirement for violating some standard conditions;
7. Adding a preamble and signature line;
8. Clarifying whether conditions are mandatory or standard;



The Revised J & C Form



Format



AO 245B (Rev. 02/16) Judgment in a Criminal Case
Sheet 3 — Supervised Release

OLD

Judgment—Page _____ of _____ 1

DEFENDANT:
CASE NUMBER:

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*

The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*

The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*

The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;



The Revised J & C Form



AO 245B (Rev. 11/16) Judgment in a Criminal Case
Sheet 3 — Supervised Release

New

DEFENDANT:
CASE NUMBER:

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release.

6
Mandatory
Conditions

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance while on supervised release and at least two periodic drug tests thereafter.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been attached to this judgment on a separate page.

2016 Revision of Conditions of Probation & Supervised Release

AO 245B (Rev. 11/16) Judgment in a Criminal Case
Sheet 4—Probation

New

DEFENDANT:
CASE NUMBER:

Judgment—Page _____ of _____

PROBATION

You are hereby sentenced to probation for a term of: _____ I _____

MANDATORY CONDITIONS

10
Mandatory
Conditions

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of your release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*
7. You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.



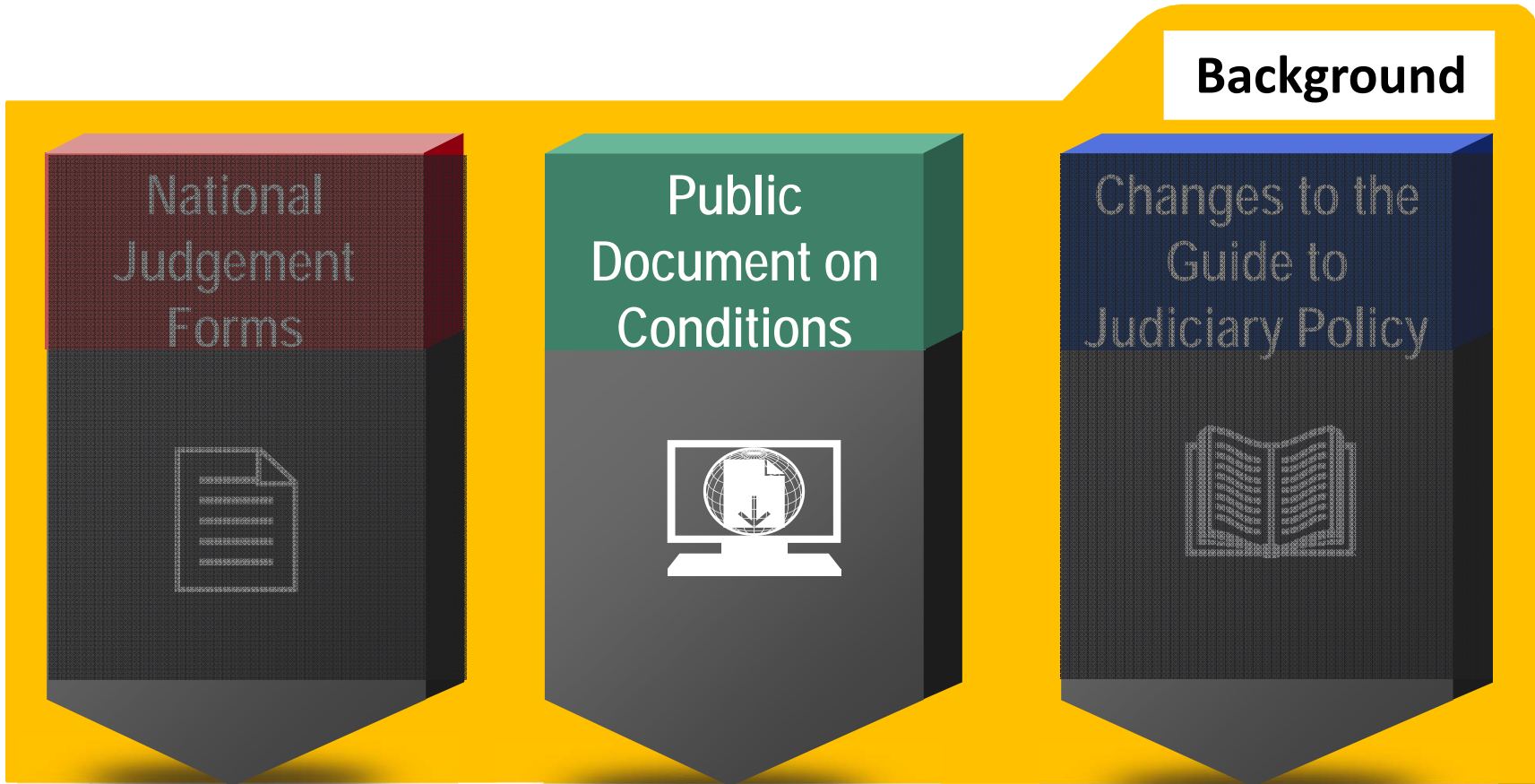
Changes Made to National Judgment Forms

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2. Eliminating standard conditions addressed by other mandatory or standard conditions;
3. Amending standard conditions to improve effectiveness of supervision;
4. Ensuring that standard conditions do not contain multiple requirements;
5. Re-organizing standard conditions to make them easier to understand;
6. Adding a knowledge requirement for violating some standard conditions;
7. Adding a preamble and signature line;
8. Clarifying whether conditions are mandatory or standard;
9. Making standard condition language more clear.



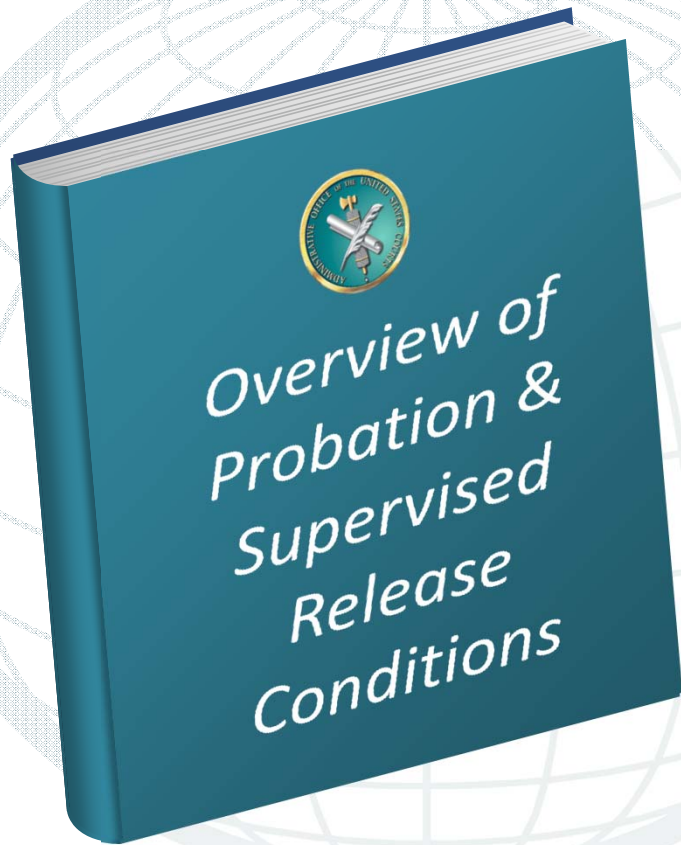
2016 Revision of the Conditions of Probation and Supervised Release

NOV 1, 2016





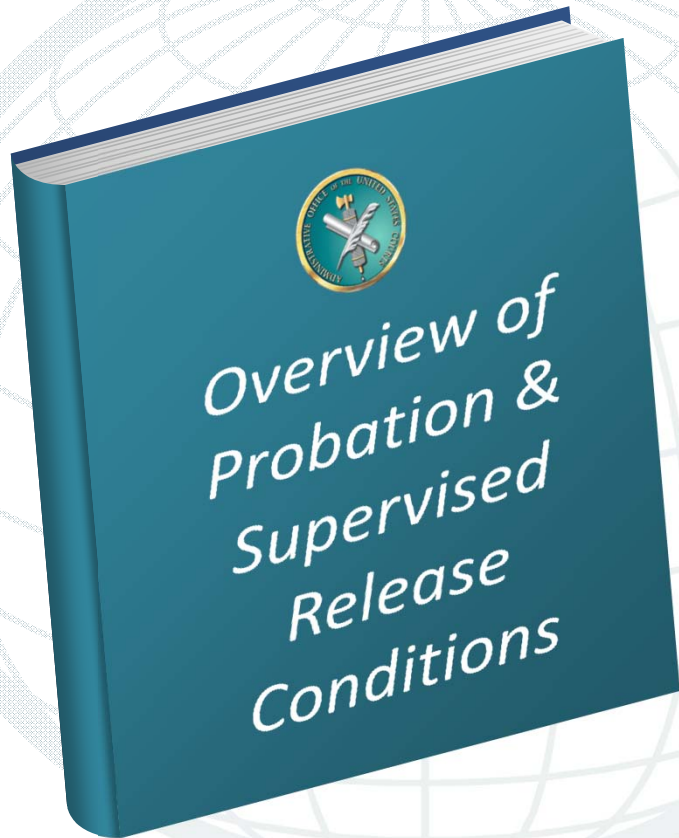
Public Document on Conditions



Provides information about the conditions of supervision to the courts, prosecutors, defense attorneys, and defendants



Public Document on Conditions



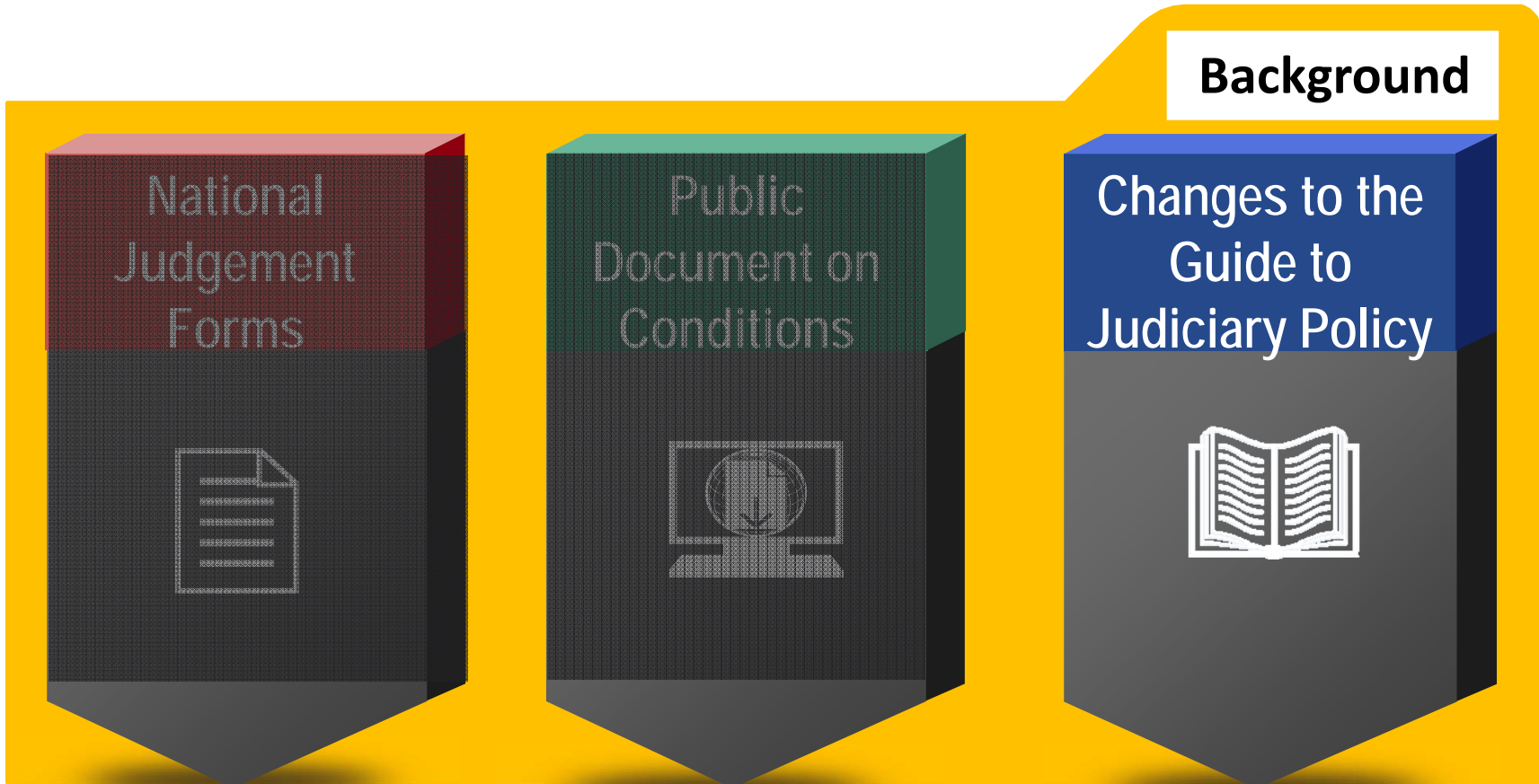
- ✓ Provide notice to defendants of conditions that may be imposed
- ✓ Assist with ensuring that condition language is clear and legally sound
- ✓ Assist with supporting/justifying conditions



2016 Revision of the Conditions of Probation and Supervised Release

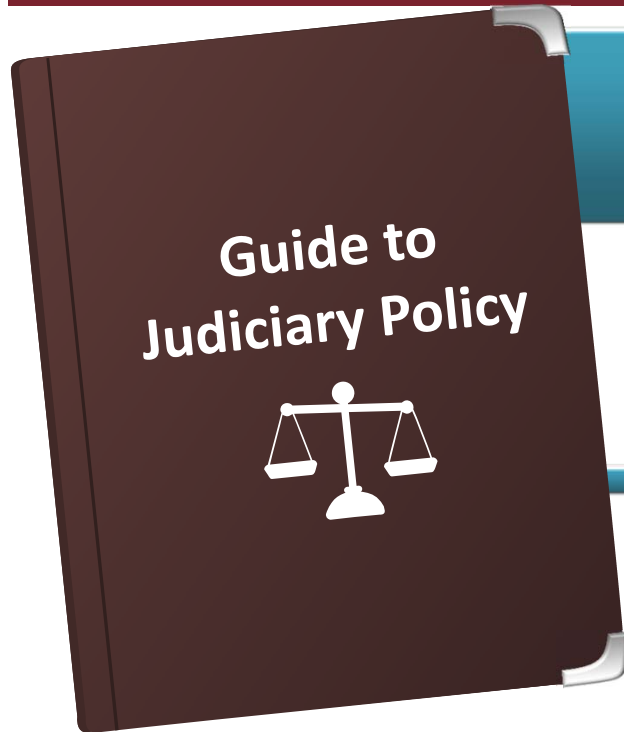


NOV 1, 2016





Changes to the Guide to Judiciary Policy



Disclosure of Special Conditions In or With the Presentence Report

Advance notice of conditions may assist with imposing conditions that satisfy statutory requirements.

“When the initial and final presentence report is disclosed to the parties, the officer should also attach any recommended special conditions and the reasons for the recommendations, unless a local rule directs the officer not to disclose the recommended conditions to anyone other than the court.”



Next Steps

- New conditions approved
- Administrative Order amended to permit disclosure of recommended conditions and adoption of standard conditions
- New Part G of PSR
- **Effective to sentencings on or after February 1, 2017**



2016 Revision of the Conditions of Probation and Supervised Release

