

Commentary

Application Notes:

1. **Individualized Assessment.**—

(A) **In General.**—When making an individualized assessment under this section, the factors to be considered are the same factors used to determine whether to impose a term of supervised release. *See* 18 U.S.C. § 3583(c), (e); Application Note 1 to §5D1.1 (Imposition of a Term of Supervised Release).

(B) **Early Termination.**—When determining whether to terminate the remaining term of supervised release under subsection (b), the court may wish to consider such factors as:

- (i) any history of court-reported violations over the term of supervision;
- (ii) the ability of the defendant to lawfully self-manage (*e.g.*, the ability to problem-solve and avoid situations that may result in a violation of a condition of supervised release or new criminal charges);
- (iii) the defendant’s substantial compliance with all conditions of supervision;
- (iv) the defendant’s engagement in appropriate prosocial activities and the existence or lack of prosocial support to remain lawful beyond the period of supervision;
- (v) a demonstrated reduction in risk level or maintenance of the lowest category of risk over the period of supervision; and
- (vi) whether termination will jeopardize public safety, as evidenced by the nature of the defendant’s offense, the defendant’s criminal history, the defendant’s record while incarcerated, the defendant’s efforts to reintegrate into the community and avoid recidivism, any statements or information provided by the victims of the offense, and other factors the court finds relevant.

2. **Notification of Victims.**—When determining whether to modify any condition of supervised release that would be relevant to a victim or to terminate the remaining term of supervised release, the Commission encourages the court, in coordination with the government, to ensure that any victim of the offense is reasonably, accurately, and timely notified, and provided, to the extent practicable, with an opportunity to be reasonably heard, unless any such victim previously requested not to be notified.

3. **Application of Subsection (c).**—Subsection (c) addresses a court’s authority to extend a term of supervised release. In some cases, extending a term may be more appropriate than taking other measures, such as revoking the term of supervised release.

<i>Historical Note</i>	Effective November 1, 2025 (amendment 835).
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