

- (7) if the sentence imposed upon the organization does not include a fine; or
- (8) if necessary to accomplish one or more of the purposes of sentencing set forth in 18 U.S.C. § 3553(a)(2).

#### **Commentary**

**Background:** Under 18 U.S.C. § 3561(a), an organization may be sentenced to a term of probation. Under 18 U.S.C. § 3551(c), imposition of a term of probation is required if the sentence imposed upon the organization does not include a fine.

*Historical Note*

Effective November 1, 1991 (amendment 422). Amended effective November 1, 2004 (amendment 673).

### **§8D1.2. Term of Probation – Organizations**

- (a) When a sentence of probation is imposed—
  - (1) In the case of a felony, the term of probation shall be at least one year but not more than five years.
  - (2) In any other case, the term of probation shall be not more than five years.

#### **Commentary**

#### **Application Note:**

1. Within the limits set by the guidelines, the term of probation should be sufficient, but not more than necessary, to accomplish the court's specific objectives in imposing the term of probation. The terms of probation set forth in this section are those provided in 18 U.S.C. § 3561(c).

*Historical Note*

Effective November 1, 1991 (amendment 422). Amended effective November 1, 2013 (amendment 778).

### **§8D1.3. Conditions of Probation – Organizations**

- (a) Pursuant to 18 U.S.C. § 3563(a)(1), any sentence of probation shall include the condition that the organization not commit another federal, state, or local crime during the term of probation.
- (b) Pursuant to 18 U.S.C. § 3563(a)(2), if a sentence of probation is imposed for a felony, the court shall impose as a condition of probation at least one of the following: (1) restitution or (2) community service, unless the court