

§5D1.2

- (2) Not more than three years for a defendant convicted of a Class C or D felony. *See 18 U.S.C. § 3583(b)(2).*
- (3) Not more than one year for a defendant convicted of a Class E felony or a misdemeanor (other than a petty offense). *See 18 U.S.C. § 3583(b)(3).*
- (b) The court should state in open court the reasons for the length of the term imposed. *See 18 U.S.C. § 3553(c).*

Commentary

Application Notes:

1. **Individualized Assessment.**—When conducting an individualized assessment to determine the length of a term of supervised release, the factors to be considered are the same as the factors considered in determining whether to impose such a term. *See 18 U.S.C. § 3583(c); Application Note 1 to §5D1.1 (Imposition of a Term of Supervised Release).* The court should ensure that the term imposed on the defendant is sufficient, but not greater than necessary, to address the purposes of imposing supervised release on the defendant.
2. **Terrorism and Sex Offenses.**—Congress has authorized a term of supervised release that exceeds the maximum terms described in subsection (a) for certain serious offenses. *See 18 U.S.C. § 3583(j), (k).* For certain terrorism offenses, the authorized term of supervised release is any term of years or life. *18 U.S.C. § 3583(j).* For certain sex offenses, the authorized term of supervised release is any term of years not less than five, or up to life. *18 U.S.C. § 3583(k).*
3. **Drug Offenses.**—For certain drug offenses, Congress has established statutory minimum terms of supervised release. *See, e.g., 21 U.S.C. §§ 841(b), 960(b)* (providing minimum terms of supervised release depending on drug type and quantity and criminal history).
4. **Safety Valve Cases.**—A defendant who qualifies under §5C1.2 (Limitation on Applicability of Statutory Minimum Sentence in Certain Cases) is not subject to any statutory minimum sentence of supervised release. *See 18 U.S.C. § 3553(f).* In such a case, the term of supervised release is determined under subsection (a).
5. **Substantial Assistance Cases.**—Upon motion of the Government, a defendant who has provided substantial assistance in the investigation or prosecution of another person who has committed an offense may be sentenced to a term of supervised release that is less than any minimum required by statute. *See 18 U.S.C. § 3553(e), §5K1.1 (Substantial Assistance to Authorities).*
6. **Early Termination and Extension.**—The court has authority to terminate or extend a term of supervised release. *See 18 U.S.C. § 3583(e)(1), (2); §5D1.4 (Modification, Early Termination, and Extension of Supervised Release (Policy Statement)).*

<i>Historical Note</i>	Effective November 1, 1987. Amended effective January 15, 1988 (amendment 52); November 1, 1989 (amendment 302); November 1, 1995 (amendment 529); November 1, 1997 (amendment 570); November 1, 2001 (amendment 615); November 1, 2002 (amendments 637 and 646); November 1, 2004 (amendment 664); November 1, 2005 (amendment 679); November 1, 2007 (amendment 701); November 1, 2009 (amendment 736); November 1, 2011 (amendment 756); November 1, 2014 (amendment 786); November 1, 2025 (amendment 835).
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