

## §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).
------------------------	---