

§5B1.4

Commentary

Application Notes:

1. **Application of Subsection (c)(4).**—Although the condition in subsection (c)(4) requires the defendant to “answer truthfully” the questions asked by the probation officer, a defendant’s legitimate invocation of the Fifth Amendment privilege against self-incrimination in response to a probation officer’s question shall not be considered a violation of this condition.
2. **Application of Subsection (d)(7).**—For purposes of subsection (d)(7):

“**Sex offense**” means (A) an offense, perpetrated against a minor, under (i) chapter 109A of title 18, United States Code; (ii) chapter 110 of such title, not including a recordkeeping offense; (iii) chapter 117 of such title, not including transmitting information about a minor or filing a factual statement about an alien individual; (iv) an offense under 18 U.S.C. § 1201; or (v) an offense under 18 U.S.C. § 1591; or (B) an attempt or a conspiracy to commit any offense described in subparagraphs (A)(i) through (v) of this note. Such term does not include an offense under 18 U.S.C. § 2250 (Failure to register).

“**Minor**” means (A) an individual who had not attained the age of 18 years; (B) an individual, whether fictitious or not, who a law enforcement officer represented to a participant (i) had not attained the age of 18 years; and (ii) could be provided for the purposes of engaging in sexually explicit conduct; or (C) an undercover law enforcement officer who represented to a participant that the officer had not attained the age of 18 years.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendments 273, 274, and 302); November 1, 1997 (amendment 569); November 1, 1998 (amendment 584); November 1, 2000 (amendment 605); November 1, 2001 (amendment 615); November 1, 2002 (amendment 644); November 1, 2004 (amendment 664); November 1, 2007 (amendments 701 and 711); November 1, 2009 (amendment 733); November 1, 2016 (amendment 803); November 1, 2018 (amendment 813); November 1, 2025 (amendment 835).
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§5B1.4. [Deleted]

<i>Historical Note</i>	Section 5B1.4 (Recommended Conditions of Probation and Supervised Release (Policy Statement)), effective November 1, 1987, and amended effective November 1, 1989 (amendments 271, 272, and 302), was deleted by consolidation with §§5B1.3 and 5D1.3 effective November 1, 1997 (amendment 569).
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