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\*\*\* CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 \*\*\*

TITLE 18. CRIMES AND CRIMINAL PROCEDURE  
PART II. CRIMINAL PROCEDURE  
CHAPTER 229. POSTSENTENCE ADMINISTRATION  
SUBCHAPTER A. PROBATION

**GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION***18 USCS § 3601 (2005)*

## § 3601. Supervision of probation

A person who has been sentenced to probation pursuant to the provisions of subchapter B of chapter 227 [*18 USCS §§ 3561 et seq.*], or placed on probation pursuant to the provisions of chapter 403 [*18 USCS §§ 5031 et seq.*], or placed on supervised release pursuant to the provisions of section 3583 [*18 USCS § 3583*], shall, during the term imposed, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2) in part, 98 Stat. 2001.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

## Effective date of section:

This section became effective on November 1, 1987, pursuant to § 235(a)(1) of Act Oct. 12, 1984, P.L. 98-473, which appears as *18 USCS § 3551* note.

## Short titles:

Act April 26, 1996, P.L. 104-134, Title I [Title VIII, § 801], 110 Stat. 1321-66; May 2, 1996, P.L. 104-140, § 1(a), 110 Stat. 1327, provides: "This title may be cited as the 'Prison Litigation Reform Act of 1995'." For full classification of such Title, consult USCS Tables volumes.

## Other provisions:

**Application of section.** For application of this section, see § 235 of Act Oct. 12, 1984, P.L. 98-473, which appears as *18 USCS § 3551* note.

**Post incarceration vocational and remedial educational opportunities for inmates.** Act Nov. 2, 2002, P.L. 107-273, Div B, Title II, Subtitle D, Ch. 1, § 2411, 116 Stat. 1799, provides:

"(a) Federal Reentry Center Demonstration.

(1) Authority and establishment of demonstration project. The Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall establish the Federal Reentry Center Demonstration project. The project shall involve appropriate prisoners from the Federal prison population and shall utilize community corrections facilities, home confinement, and a coordinated response by Federal agencies to assist participating prisoners in preparing for and adjusting to reentry into the community.

"(2) Project elements. The project authorized by paragraph (1) shall include the following core elements:

"(A) A Reentry Review Team for each prisoner, consisting of a representative from the Bureau of Prisons, the United States Probation System, the United States Parole Commission, and the relevant community corrections facility, who shall initially meet with the prisoner to develop a reentry plan tailored to the needs of the prisoner.

## 18 USCS § 3601

"(B) A system of graduated levels of supervision with the community corrections facility to promote community safety, provide incentives for prisoners to complete the reentry plan, including victim restitution, and provide a reasonable method for imposing sanctions for a prisoner's violation of the conditions of participation in the project.

"(C) Substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed.

"(3) Probation officers. From funds made available to carry out this section, the Director of the Administrative Office of the United States Courts shall assign 1 or more probation officers from each participating judicial district to the Reentry Demonstration project. Such officers shall be assigned to and stationed at the community corrections facility and shall serve on the Reentry Review Teams.

"(4) Project duration. The Reentry Center Demonstration project shall begin not later than 6 months following the availability of funds to carry out this subsection, and shall last 3 years.

"(b) Definitions. In this section, the term 'appropriate prisoner' shall mean a person who is considered by prison authorities—

"(1) to pose a medium to high risk of committing a criminal act upon reentering the community; and

"(2) to lack the skills and family support network that facilitate successful reintegration into the community.

"(c) Authorization of appropriations. To carry out this section, there are authorized to be appropriated, to remain available until expended—

"(1) to the Federal Bureau of Prisons—

"(A) \$1,375,000 for fiscal year 2003;

"(B) \$1,110,000 for fiscal year 2004;

"(C) \$1,130,000 for fiscal year 2005;

"(D) \$1,155,000 for fiscal year 2006; and

"(E) \$1,230,000 for fiscal year 2007; and

"(2) to the Federal Judiciary—

"(A) \$3,380,000 for fiscal year 2003;

"(B) \$3,540,000 for fiscal year 2004;

"(C) \$3,720,000 for fiscal year 2005;

"(D) \$3,910,000 for fiscal year 2006; and

"(E) \$4,100,000 for fiscal year 2007."

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*18 USCS § 3602 (2005)*

§ 3602. Appointment of probation officers

(a) Appointment. A district court of the United States shall appoint qualified persons to serve, with or without compensation, as probation officers within the jurisdiction and under the direction of the court making the appointment. The court may, for cause, remove a probation officer appointed to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation.

(b) Record of appointment. The order of appointment shall be entered on the records of the court, a copy of the order shall be delivered to the officer appointed, and a copy shall be sent to the Director of the Administrative Office of the United States Courts.

(c) Chief probation officers. If the court appoints more than one probation officer, one may be designated by the court as chief probation officer and shall direct the work of all probation officers serving in the judicial district.

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 2001.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

Other provisions:

**Application of section.** For application of this section, see Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235, 98 Stat. 2031, as amended which appears as *18 USCS § 3551* note.

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*18 USCS § 3603 (2005)*

§ 3603. Duties of probation officers

A probation officer shall—

(1) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

(2) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

(3) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

(4) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

(5) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

(6) upon request of the Attorney General or his designee, assist in the supervision of and furnish information about, a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c) [*18 USCS § 3624(c)*];

(7) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked;

(8)

(A) when directed by the court, and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of section 4243 or 4246 of this title [*18 USCS § 4243 or 4246*], and report such person's conduct and condition to the court ordering release and to the Attorney General or his designee; and

(B) immediately report any violation of the conditions of release to the court and the Attorney General or his designee;

(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and

(10) perform any other duty that the court may designate.

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 2002; Nov. 10, 1986, P.L. 99-646, § 15(a), 100 Stat. 3595; Oct. 29, 1992, P.L. 102-572, Title VII, § 701(a), 106 Stat. 4514; Oct. 19, 1996, P.L. 104-317, Title I, § 101(a), 110 Stat. 3848.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

## Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

## Amendments:

1986. Act Nov. 10, 1986 (effective as provided by § 15(b) of such Act, which appears as a note to this section) redesignated paras. (a)–(h) as paras. (1)–(8), respectively, and in para. (6), as so redesignated, substituted "assist in the supervision of" for "supervise", and inserted a comma after "about".

1992. Act Oct. 29, 1992 (effective 1/1/93, as provided by § 1101(a) of such Act, which appears as *2 USCS § 905* note), in para. (7), deleted "and" following the concluding semicolon, redesignated para. (8) as para. (9). and added a new para. (8).

1996. Act Oct 19, 1996, in para. (8), in subpara. (B), deleted "and" following the concluding semicolon, redesignated para. (9) as para. (10), and added new para. (9).

## Other provisions:

**Applicability of section.** For applicability of this section, see Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235, 98 Stat. 2031, as amended which appears as *18 USCS § 3551* note.

**Effective date of Nov. 10, 1986 amendments.** Act Nov. 10, 1986, P.L. 99-646, § 15(b), 100 Stat. 3595, provides: "The amendments made by this section [amending this section] shall take effect on the date of the taking effect of section 3603 of title 18, United States Code [see effective date of section note].".

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*18 USCS § 3604 (2005)*

§ 3604. Transportation of a probationer

A court, after imposing a sentence of probation, may direct a United States marshal to furnish the probationer with—

- (a) transportation to the place to which he is required to proceed as a condition of his probation; and
- (b) money, not to exceed such amount as the Attorney General may prescribe, for subsistence expenses while traveling to his destination.

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 2002.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

Other provisions:

**Application of section.** For application of this section, see Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235, 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note.

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*18 USCS § 3605 (2005)*

§ 3605. Transfer of jurisdiction over a probationer

A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to the district court for any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter [*18 USCS §§ 3601 et seq.*] or subchapter B or D of chapter 227 [*18 USCS §§ 3561 et seq.* or *3581 et seq.*].

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 2003.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

Other provisions:

**Application of section.** For application of this section, see Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235, 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note.

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*18 USCS § 3606 (2005)*

§ 3606. Arrest and return of a probationer

If there is probable cause to believe that a probationer or a person on supervised release has violated a condition of his probation or release, he may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. A probation officer may make such an arrest wherever the probationer or releasee is found, and may make the arrest without a warrant. The court having supervision of the probationer or releasee, or, if there is no such court, the court last having supervision of the probationer or releasee, may issue a warrant for the arrest of a probationer or releasee for violation of a condition of release, and a probation officer or United States marshal may execute the warrant in the district in which the warrant was issued or in any district in which the probationer or releasee is found.

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 2003.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

Other provisions:

**Application of section.** For application of this section, see Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235, 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note.



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*18 USCS § 3607 (2005)*

§ 3607. Special probation and expungement procedures for drug possessors

(a) Pre-judgment probation. If a person found guilty of an offense described in section 404 of the Controlled Substances Act (*21 U.S.C. 844*) —

(1) has not, prior to the commission of such offense, been convicted of violating a Federal or State law relating to controlled substances; and

(2) has not previously been the subject of a disposition under this subsection;

the court may, with the consent of such person, place him on probation for a term of not more than one year without entering a judgment of conviction. At any time before the expiration of the term of probation, if the person has not violated a condition of his probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. At the expiration of the term of probation, if the person has not violated a condition of his probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge him from probation. If the person violates a condition of his probation, the court shall proceed in accordance with the provisions of section 3565 [*18 USCS § 3565*].

(b) Record of disposition. A nonpublic record of a disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall be retained by the Department of Justice solely for the purpose of use by the courts in determining in any subsequent proceeding whether a person qualifies for the disposition provided in subsection (a) or the expungement provided in subsection (c). A disposition under subsection (a), or a conviction that is the subject of an expungement order under subsection (c), shall not be considered a conviction for the purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for any other purpose.

(c) Expungement of record of disposition. If the case against a person found guilty of an offense under section 404 of the Controlled Substances Act (*21 U.S.C. 844*) is the subject of a disposition under subsection (a), and the person was less than twenty-one years old at the time of the offense, the court shall enter an expungement order upon the application of such person. The expungement order shall direct that there be expunged from all official records, except the nonpublic records referred to in subsection (b), all references to his arrest for the offense, the institution of criminal proceedings against him, and the results thereof. The effect of the order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or institution of criminal proceedings. A person concerning whom such an order has been entered shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge such arrests or institution of criminal proceedings, or the results thereof, in response to an inquiry made of him for any purpose.

**HISTORY:**

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 212(a)(2), 98 Stat. 2003.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

## Effective date of section:

Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235(a)(1), 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note, provides that this section is effective on the first day of the first calendar month beginning 36 months after enactment.

## Other provisions:

**Application of section.** For application of this section, see Act Oct. 12, 1984, P.L. 98-473, Title II, Ch II, § 235, 98 Stat. 2031, as amended, which appears as *18 USCS § 3551* note.

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*18 USCS § 3608 (2005)*

§ 3608. Drug testing of Federal offenders on post-conviction release

The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, subject to the availability of appropriations, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) [*18 USCS § 3563(a)(4)*].

**HISTORY:**

(Added Sept. 13, 1994, P.L. 103-322, Title II, Subtitle D, § 20414(a)(1), 108 Stat. 1830.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

References in text:

"Section 3562(a)(4)", referred to in this section, is probably a reference to *18 USCS § 3563(a)(4)*, which was renumbered para. (5) of such section by Act April 24, 1996, P.L. 104-132, Title II, § 203(1)(C), 110 Stat. 1227.