

crime (including a term of imprisonment resulting from a probation, parole, or supervised release revocation), a further term of supervised release imposed by the Commission under this paragraph shall not commence until that term of imprisonment has been served.

(c) A releasee whose term of supervised release is revoked by the Commission shall receive no credit for time spent on supervised release, including any time spent in confinement on other sentences (or in a halfway house as a condition of supervised release) prior to the execution of the Commission's warrant.

(d) The Commission's decision regarding the imposition of a term of imprisonment following revocation of supervised release, and any further term of supervised release, shall be made pursuant to the limitations set forth in §2.219. Within those limitations, the appropriate length of any term of imprisonment shall be determined by reference to the guidelines at §2.21. If the term of imprisonment authorized under §2.219 is less than the minimum of the appropriate guideline range determined under §2.21, the term authorized under §2.219 shall be the guideline range.

(e) Whenever the Commission imposes a term of imprisonment upon revocation of supervised release that is less than the authorized maximum term of imprisonment, it shall be the Commission's general policy to impose a further term of supervised release that is the maximum term of supervised release permitted by §2.219. If the Commission imposes a new term of imprisonment that is equal to the maximum term of imprisonment authorized by law (or in the case of a subsequent revocation, that uses up the remainder of the maximum term of imprisonment authorized by law), the Commission may not impose a further term of supervised release.

(f) Where deemed appropriate, the Commission may depart from the guidelines at §2.21 (with respect to the imposition of a new term of imprisonment) in order to permit the imposition of a further term of supervised release.

(g) Decisions under this section shall be made upon the vote of one Commis-

sioner, except that a decision to override an examiner panel recommendation shall require the concurrence of two Commissioners. The final decision following a local revocation hearing shall be issued within 86 days of the retaking of the releasee on a supervised release violation warrant. The final decision following an institutional revocation hearing shall be issued within 21 days of the hearing, excluding weekends and holidays.

§2.219 Maximum terms of imprisonment and supervised release.

(a) *Imprisonment; first revocation.* When a term of supervised release is revoked, the maximum authorized term of imprisonment that the Commission may require the offender to serve, in accordance with D.C. Code 24-403.01(b)(7), is determined by reference to the maximum authorized term of imprisonment for the offense of conviction. The maximum authorized term of imprisonment at the first revocation shall be:

(1) Five years, if the maximum term of imprisonment authorized for the offense is life, or if the offense is statutorily designated as a Class A felony;

(2) Three years, if the maximum term of imprisonment authorized for the offense is 25 years or more, but less than life, and the offense is not statutorily designated as a Class A felony;

(3) Two years, if the maximum term of imprisonment authorized for the offense is 5 years or more, but less than 25 years; or

(4) One year, if the maximum term of imprisonment authorized for the offense is less than 5 years.

(b) *Further term of supervised release; first revocation.* (1) When a term of supervised release is revoked, and the Commission imposes less than the maximum term of imprisonment permitted by paragraph (a) of this section, the Commission may also impose a further term of supervised release after imprisonment. A term of imprisonment is "less than the maximum authorized term of imprisonment" if the term is one day or more shorter than the maximum authorized term of imprisonment.

(2) The maximum authorized length of such further term of supervised release shall be the original maximum term of supervised release that the sentencing court was authorized to impose for the offense of conviction, less the term of imprisonment imposed by the Commission upon revocation of supervised release. The original maximum authorized term of supervised release is as follows:

- (i) Five years if the maximum term of imprisonment authorized for the offense is 25 years or more;
- (ii) Three years if the maximum term of imprisonment authorized for the offense is more than one year but less than 25 years; and
- (iii) Life if the person is required to register for life, and 10 years in any other case, if the offender has been sentenced for an offense for which registration is required by the Sex Offender Registration Act of 1999.

(3) For example, if the maximum authorized term of imprisonment at the first revocation is three years and the original maximum authorized term of supervised release is five years, the Commission may impose a three-year term of imprisonment with no supervised release to follow, or any term of imprisonment of less than three years with a further term of supervised release of five years minus the term of imprisonment actually imposed (such as a one-year term of imprisonment followed by a four-year term of supervised release, or a two-year term of imprisonment followed by a three-year term of supervised release).

(c) *Reference table.* The following table may be used in most cases as a reference to determine both the maximum authorized term of imprisonment at the first revocation and the original maximum authorized term of supervised release:

D.C. Code reference for conviction offense (former code reference in brackets)	Offense description	Original maximum authorized term of supervised release	Maximum authorized term of imprisonment at the first revocation
<i>Title 22</i>			
22-301 [22-401]	Arson	3 years	2 years.
22-302 [22-402]	Arson: own property	3 years	2 years.
22-303 [22-403]	Destruction of property over \$200	3 years	2 years.
22-401 [22-501]	Assault: with intent to kill/rob/poison, to commit sex abuse (1st or 2nd degree) or child sex abuse.	3 years (10 years if SOR).	2 years.
22-401, 4502 [22-501, 3202]	Assault: with intent to kill etc. while armed *	5 years (10 years if SOR).	5 years.
22-402 [22-502]	Assault: with a dangerous weapon	3 years	2 years.
22-403 [22-503]	Assault: with intent to commit an offense other than those in §22-401.	3 years	2 years.
22-404(d) [22-504]	Stalking—2nd+ offense	3 years	1 year.
22-404.01, 4502 [22-504.1, 3202].	Assault; aggravated while armed *	5 years	5 years.
22-404.01(b) [22-504.1]	Assault: aggravated	3 years	2 years.
22-404.01(c) [22-504.1]	Assault: attempted aggravated	3 years	2 years.
22-405(a) [22-505]	Assault: on a police officer	3 years	2 years.
22-405(b) [22-505]	Assault: on a police officer while armed	3 years	2 years.
22-406 [22-506]	Mayhem/malicious disfigurement	3 years	2 years.
22-406, 4502 [22-506, 3202]	Mayhem/malicious disfigurement armed *	5 years	5 years.
22-501 [22-601]	Bigamy	3 years	2 years.
22-601 [22-3427]	Breaking and entering machines	3 years	1 year.
22-704(a)	Corrupt influence	3 years	2 years.
22-712(c)	Bribery: public servant	3 years	2 years.
22-713(c)	Bribery: witness	3 years	2 years.
22-722(b)	Obstructing justice *	5 years	5 years.
22-723(b)	Evidence tampering	3 years	1 year.
22-801(a) [22-1801]	Burglary 1st degree	5 years	3 years
22-801(b) [22-1801]	Burglary 2nd degree	3 years	2 years.
22-801, 4502 [22-1801, 3202] ..	Burglary: armed *	5 years	5 years
22-902(b)(2) [22-752]	Counterfeiting (see statute for offense circumstances)	3 years	1 year.
22-902(b)(3) [22-752]	Counterfeiting (see statute for offense circumstances)	3 years	2 years.
22-1101(a), (c)(1) [22-901]	Cruelty to children 1st degree	3 years	2 years.
22-1101(b), (c)(2) [22-901]	Cruelty to children 2nd degree	3 years	2 years.
22-1322(d) [22-1122]	Inciting riot (with injury)	3 years	2 years
22-1403 [22-1303]	False personation	3 years	2 years.
22-1404 [22-1304]	Impersonating a public official	3 years	1 year.
22-1510 [22-1410]	Bad checks \$100 or more	3 years	1 year.

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D.C. Code reference for conviction offense (former code reference in brackets)	Offense description	Original maximum authorized term of supervised release	Maximum authorized term of imprisonment at the first revocation
22-1701 [22-1501]	Illegal lottery	3 years	1 year.
22-1704 [22-1504]	Gaming	3 years	2 years.
22-1710, 1711 [22-1510, 1511]	Bucketing: 2nd+ offense	3 years	2 years.
22-1713(a) [22-1513]	Corrupt influence: Athletics	3 years	2 years.
22-1803 [22-103]	Attempted crime of violence	3 years	2 years.
22-1804 [22-104]	Second conviction <i>One prior conviction</i> If the underlying offense is punishable by life imprisonment. If the underlying offense is punishable by 16 $\frac{2}{3}$ years or more. If the underlying offense is punishable by 3 $\frac{1}{3}$ years or more but less than 16 $\frac{2}{3}$ years. If underlying offense is punishable by less than 3 $\frac{1}{3}$ years. <i>Two or more prior convictions</i> If the underlying offense is punishable by life imprisonment. If the underlying offense is punishable by 8 $\frac{1}{3}$ years or more. If the underlying offense is punishable by 1 $\frac{2}{3}$ years or more but less than 8 $\frac{1}{3}$ years. If underlying offense is punishable by less than 1 $\frac{2}{3}$ years.	5 years	5 years.
22-1804a(1) [22-104a]	Three strikes for felonies *	5 years	5 years.
22-1804a(2) [22-104a]	Three strikes for violent felonies *	5 years	5 years.
22-1805 [22-105]	Aiding or abetting	same as for the offense aided or abetted.	same as for the offense aided or abetted
22-1805a(a) [22-105a]	Conspiracy	3 years	2 years.
	If underlying offense is punishable by less than 5 years.	3 years	1 year.
22-1806 [22-106]	Accessory after the fact If the underlying offense is punishable by 10 years or more. If the underlying offense is punishable by more than 2 years but less than 10 years.	3 years	2 years.
22-1807 [22-107]	Offenses not covered by D.C. Code	3 years	2 years.
22-1810 [22-2307]	Threats (felony)	3 years	2 years.
22-1901	Incest	3 years (10 years if SOR).	2 years.
22-2001 [22-2101]	Kidnapping *	5 years	5 years.
22-2201, 4502 [22-2101, 3202]	Kidnapping: armed *	5 years	5 years.
22-2101, 2104 [22-2401, 2404]	Murder 1st degree *	5 years	5 years.
22-2101, 2104, 4502 [22-2401, 2404, 3202].	Murder 1st degree while armed *	5 years	5 years.
22-2102, 2104 [22-2402, 2404]	Murder 1st degree: obstruction of railway *	5 years	5 years.
22-2103, 2104 [22-2403, 2404]	Murder 2nd degree *	5 years	5 years.
22-2103, 2104, 4502 [22-2403, 2404, 3202].	Murder 2nd degree while armed *	5 years	5 years.
22-2105 [22-2405]	Manslaughter	5 years	3 years.
22-2105, 4502 [22-2405, 3202]	Manslaughter: armed *	5 years	5 years.
22-2201(e) [22-2001]	Obscenity: 2nd+ offense	3 years (10 years if SOR).	1 year.
22-2402(b) [22-2511]	Perjury	3 years	2 years.
22-2403 [22-2512]	Subornation of perjury	3 years	2 years.
22-2404(b) [22-2413]	False swearing	3 years	1 year.
22-2501 [22-3601]	Possessing implements of crime 2nd+ offense	3 years	2 years.
22-2601(b)	Escape	3 years	2 years.
22-2603	Introducing contraband into prison	3 years	2 years.
22-2704	Child prostitution: abducting or harboring	3 years (10 years if SOR).	2 years.
22-2705 to 2712	Prostitution: arranging and related offenses	3 years (10 years if child victim and SOR).	2 years.
22-2801 [22-2901]	Robbery	3 years	2 years.
22-2801, 4502 [22-2901, 3202]	Robbery: armed *	5 years	5 years.
22-2802 [22-2902]	Robbery: attempted	3 years	1 year.

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D.C. Code reference for conviction offense (former code reference in brackets)	Offense description	Original maximum authorized term of supervised release	Maximum authorized term of imprisonment at the first revocation
22–2802, 4502 [22–2902, 3202] 22–2803(a) [22–2903] 22–2803(b) [22–2903] 22–3002 [22–4102]	Robbery: attempted while armed * Carjacking Carjacking: armed * Sex abuse 1st degree *	5 years 3 years 5 years 5 years (life if SOR).	5 years. 2 years. 5 years. 5 years.
22–3002, 4502 [22–4102, 3202]	Sex abuse 1st degree while armed *	5 years (life if SOR).	5 years.
22–3003 [22–4103]	Sex abuse 2nd degree	3 years (life if SOR).	2 years.
22–3003, 4502 [22–4103, 3202]	Sex abuse 2nd degree while armed *	5 years (life if SOR).	5 years.
22–3004 [22–4104]	Sex abuse 3rd degree	3 years (10 years if SOR).	2 years.
22–3005 [22–4105]	Sex abuse 4th degree	3 years (10 years if SOR).	2 years.
22–3008 [22–4108]	Child sex abuse 1st degree *	5 years (life if SOR).	5 years.
22–3008, 3020 [22–4108, 4120]	Child sex abuse 1st degree with aggravating circumstances*.	5 years (life if SOR).	5 years.
22–3008, 4502 [22–4108, 3202]	Child sex abuse 1st degree while armed *	5 years (10 years if SOR).	5 years.
22–3009 [22–4109]	Child sex abuse 2nd degree	3 years (10 years if SOR).	2 years.
22–3009, 4502 [22–4109, 3202]	Child sex abuse 2nd degree while armed *	5 years (10 years if SOR).	5 years.
22–3010 [22–4110]	Enticing a child	3 years (10 years if SOR).	2 years.
22–3013 [22–4113]	Sex abuse ward 1st degree	3 years (10 years if SOR).	2 years.
22–3014 [22–4114]	Sex abuse ward 2nd degree	3 years (10 years if SOR).	2 years.
22–3015 [22–4115]	Sex abuse patient 1st degree	3 years (10 years if SOR).	2 years.
22–3016 [22–4116]	Sex abuse patient 2nd degree	3 years (10 years if SOR).	2 years.
22–3018 [22–4118]	Sex abuse: attempted 1st degree/child sex abuse 1st degree.	3 years (life if SOR).	2 years.
22–3018 [22–4118]	Sex abuse: other attempts If offense attempted is punishable by 10 years or more.	3 years (life if SOR).	2 years.
22–3020 [22–4120]	If the offense attempted is punishable by more than 2 years but less than 10 years. Sex abuse 1st degree/child sex abuse 1st degree, with aggravating circumstances.	3 years (life if SOR).	1 year.
22–3020 [22–4120]	Sex abuse: other offenses with aggravating circumstances. If the underlying offense is punishable by life imprisonment.	5 years (life if SOR).	5 years.
22–3020 [22–4120]	If the underlying offense is punishable by 16 $\frac{2}{3}$ years or more.	5 years (10 years if SOR).	3 years.
22–3020 [22–4120]	If the underlying offense is punishable by 3 $\frac{1}{3}$ years or more but less than 16 $\frac{2}{3}$ years.	3 years (10 years if SOR).	2 years.
22–3020 [22–4120]	If underlying offense is punishable by less than 3 $\frac{1}{3}$ years.	3 years (10 years if SOR).	1 year.
22–3102, 3103 [22–2012, 2013]	Sex performance with minors	3 years (10 years if SOR).	2 years.
22–3153	Terrorism—Act of Murder 1st degree	5 years	5 years.
22–3153	Murder of law enforcement officer or public safety employee.	5 years	5 years.
22–3153	Murder 2nd degree	5 years	5 years.
22–3153	Manslaughter	5 years	5 years.
22–3153	Kidnapping	5 years	5 years.
22–3153	Assault with intent to kill	5 years	3 years.
22–3153	Mayhem/malicious disfigurement	3 years	2 years.
22–3153	Arson	3 years	2 years.
22–3153	Malicious destruction of property	3 years	2 years.
22–3153	Attempt/conspiracy to commit first degree murder, murder of law enforcement officer, second degree murder, manslaughter, kidnapping.	5 years	3 years.
22–3153	Attempt/conspiracy to commit assault with intent to kill	3 years	2 years.

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D.C. Code reference for conviction offense (former code reference in brackets)	Offense description	Original maximum authorized term of supervised release	Maximum authorized term of imprisonment at the first revocation
	Attempt/conspiracy to commit mayhem, malicious disfigurement, arson, malicious destruction of property.	3 years	2 years.
	Providing or soliciting material support for act of terrorism.	3 years	2 years.
22-3153, 22-4502 [22-3202]	Committing any of the above acts of terrorism while armed*.	5 years	5 years.
22-3154	Manufacture/possession of weapon of mass destruction.	5 years	5 years.
	Attempt/conspiracy to possess or manufacture weapon of mass destruction.	5 years	3 years.
22-3155	Use, dissemination, or detonation of weapon of mass destruction.	5 years	5 years.
	Attempt/conspiracy to use, disseminate, or detonate weapon of mass destruction.	5 years	3 years.
22-3155, 22-4502 [22-3202]	Manufacture, possession, use or detonation of weapon of mass destruction while armed or attempts to commit such crimes while armed*.	5 years	5 years.
22-3212 [22-3812]	Theft 1st degree	3 years	2 years.
22-3214.03(d)(2) [22-3814.1]	Deceptive labeling	3 years	2 years.
22-3215(d)(1) [22-3815]	Vehicle: Unlawful use of (private)	3 years	2 years.
22-3215(d)(2) [22-3815]	Vehicle: Unlawful use of (rental)	3 years	1 year.
22-3221(a), 3222(a) [22-3821, 3822]	Fraud 1st degree \$250 or more	3 years	2 years.
22-3221(b), 3222(b) [22-3821, 3822]	Fraud 2nd degree \$250 or more	3 years	1 year.
22-3223(d)(1) [22-3823]	Fraud: credit card \$250 or more	3 years	2 years.
22-3225.02, 3225.04(a) [22-3825.2, 3825.4]	Fraud: insurance 1st degree	3 years	2 years.
22-3225.03, 3225.04(b) [22-3825.3, 3825.4]	Fraud: insurance 2nd degree	3 years	2 years.
22-3231(d) [22-3831]	Stolen Property: trafficking in	3 years	2 years.
22-3232(c)(1) [22-3832]	Stolen property: receiving (\$250 or more)	3 years	2 years.
22-3241, 3242 [22-3841, 3842]	Forgery:		
	Legal tender, public record, etc.	2 years..	
	Token, prescription	2 years.	
	Other	1 years..	
	3 years		
	3 years		
	3 years		
22-3251(b) [22-3851]	Extortion	3 years	2 years.
22-3251(b), 3252(b), 4502 [22-3851, 3852, 3202]	Extortion while armed or blackmail with threats of violence*.	5 years	5 years.
22-3252(b) [22-3852]	Blackmail	3 years	2 years.
22-3303 [22-3103]	Grave robbing	3 years	1 year.
22-3305 [22-3105]	Destruction of property by explosives	3 years	2 years.
22-3318 [22-3318]	Water pollution (malicious)	3 years	1 year.
22-3319 [22-3119]	Obstructing railways	3 years	2 years.
22-3601 [22-3901]	Senior citizen victim of robbery, attempted robbery, theft, attempted theft, extortion, and fraud.		
	If the underlying offense is punishable by life imprisonment.	5 years	5 years.
	If the underlying offense is punishable by 16 ² / ₃ years or more.	5 years	3 years.
	If the underlying offense is punishable by 3 ¹ / ₃ years or more but less than 16 ² / ₃ years.	3 years	2 years.
	If the underlying offense is punishable by less than 3 ¹ / ₃ years.	3 years	1 year.
22-3602 [22-3902]	Citizen patrol victim of various violent offenses.		
	If the underlying offense is punishable by life imprisonment.	5 years	5 years.
	If the underlying offense is punishable by 16 ² / ₃ years or more.	5 years	3 years.
	If the underlying offense is punishable by 3 ¹ / ₃ years or more but less than 16 ² / ₃ years.	3 years	2 years.
	If the underlying offense is punishable by less than 3 ¹ / ₃ years.	3 years	1 year.
22-3703 [22-4003]	Bias-related crime		
	If underlying offense is punishable by life imprisonment.	5 years	5 years.
	If underlying offense is punishable by 16 ² / ₃ years	5 years	3 years.

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D.C. Code reference for conviction offense (former code reference in brackets)	Offense description	Original maximum authorized term of supervised release	Maximum authorized term of imprisonment at the first revocation
	If underlying offense is punishable by more than or equal to 3½ years but less than 16⅔ years.	3 years	2 years.
	If underlying offense is punishable by less than 3½ years.	3 years	1 year.
22-4015 [24-2235]	Sex offender, failure to register (2nd offense)	3 years	2 years.
22-4502 [22-3202]	Violent crimes: committing or attempting to commit while armed.	5 years	5 years.
22-4502.01 [22-3202.1]	Gun-free zone violations		
	If underlying offense is a violation of 22-4504	3 years	2 years.
	If underlying offense is a violation of 22-4504(b) (possession of firearm while committing crime of violence or dangerous crime).	5 years	3 years.
22-4503 [22-3203]	Pistol: unlawful possession by a felon, etc. 2nd+ offense.	3 years	2 years.
22-4504(a)(1)-(2) [22-3204]	Pistol: carrying without a license	3 years	2 years.
22-4504(b) [22-3204]	Firearm: possession while committing crime of violence or dangerous crime.	3 years	2 years.
22-4514 [22-3214]	Prohibited weapon: possession of 2nd+ offense	3 years	2 years.
22-4515a [22-3215a]	Molotov cocktails—1st or 2nd offense	3 years	2 years.
	3rd offense	5 years	5 years.
<i>Title 23</i>			
23-1327(a)(1)	Bail Reform Act	3 years	2 years.
23-1328(a)(1)	Committing a felony on release	3 years	2 years.
<i>Title 48</i>			
48-904.01(a)-(b) [33-541]	Drugs: distribute or possess with intent to distribute		
	If schedule I or II narcotics or abusive drugs (e.g., heroin, cocaine, PCP, methamphetamine).	5 years	3 years.
	If schedule I or II drugs other than above (e.g., marijuana/hashish), or schedule III drugs.	3 years	2 years.
	If schedule IV drugs	3 years	1 year.
48-904.01, 22-4502 [33-541, 22-3202].	Drugs: distribute or possess with intent to distribute while armed*.	5 years	5 years.
48-904.03 [33-543]	Drugs: acquiring by fraud	3 years	1 year.
48-904.03a [33-543a]	Drugs: maintaining place for manufacture or distribution.	5 years	3 years.
48-904.06 [33-546]	Drugs: distribution to minors		
	If a schedule I or II narcotic drug (e.g., heroin or cocaine) or PCP.	5 years	3 years.
	If schedule I or II drugs other than above (e.g., marijuana, hashish, methamphetamine), or schedule III or IV drugs.	3 years	2 years.
	If schedule V drugs	3 years	1 year.
48-904.07 [33-547]	Drugs: enlisting minors to sell	3 years	2 years.
48-904.07a [33-547.1]	Drugs: distribute or possess with intent to distribute in drug-free zones.		
	If schedule I or II narcotics or abusive drugs (e.g., heroin, cocaine, methamphetamine, or PCP).	5 years	3 years.
	If schedule I or II drugs other than above (e.g., marijuana, hashish), or schedule III or IV drugs.	3 years	2 years.
	If schedule V drugs	3 years	1 year.
48-904.08 [33-548]	Drugs: 2nd+ offense		
	If schedule I or II narcotics or abusive drugs (e.g., heroin, cocaine, methamphetamine, or PCP).	5 years	3 years.
	If schedule I or II drugs other than above (e.g., marijuana, hashish), or schedule III or IV drugs.	3 years	2 years.
	If schedule V drugs	3 years	1 year.
48-904.09 [33-549]	Drugs: attempt/conspiracy	the same as for the offense that was the object of the attempt or conspiracy.	the same as for the offense that was the object of the attempt or conspiracy.
48-1103(b) [33-603]	Drugs: possession of drug paraphernalia with intent to deliver or sell (2nd + offense).	3 years	1 year.
48-1103(c) [33-603]	Drugs: delivering drug paraphernalia to a minor	3 years	2 years.

D.C. Code reference for conviction offense (former code reference in brackets)	Offense description	Original maximum authorized term of supervised release	Maximum authorized term of imprisonment at the first revocation
<i>Title 50</i>			
50-2203.01 [40-713]	Negligent homicide (vehicular)	3 years	2 years.
50-2207.01 [40-718]	Smoke screens	3 years	2 years.

NOTES: (1) An asterisk next to the offense description indicates that the offense is statutorily designated as a Class A felony. (2) If the defendant must register as a sex offender, the Original Maximum Authorized Term of Supervised Release is the maximum period for which the offender may be required to register as a sex offender under D.C. Code 22-4002(a) and (b) (ten years or life). See D.C. Code 24-403.01(b)(4). Sex offender registration is required for crimes such as first degree sexual abuse, and these crimes are listed in this table with the notation "10 years if SOR" or "life if SOR" as the Original Maximum Authorized Term of Supervised Release. Sex offender registration, however, may also be required for numerous crimes (such as burglary or murder) if a sexual act or contact was involved or was the offender's purpose. In such cases, the offender's status will be determined by the presence of an order from the sentencing judge certifying that the defendant is a sex offender. (3) If the defendant committed the offense before 5 p.m., August 11, 2000, the maximum authorized terms of imprisonment and supervised release shall be determined by reference to 18 U.S.C. 3583.

(d) *Imprisonment; successive revocations.* (1) When the Commission revokes a term of supervised release that was imposed by the Commission after a previous revocation of supervised release, the maximum authorized term of imprisonment is the maximum term of imprisonment permitted by paragraph (a) of this section, less the term or terms of imprisonment that were previously imposed by the Commission. In calculating such previously-imposed term or terms of imprisonment, the Commission shall use the term as imposed without deducting any good time credits that may have been earned by the offender prior to his release from prison. In no case shall the total of successive terms of imprisonment imposed by the Commission exceed the maximum authorized term of imprisonment at the first revocation.

(2) For example, if the maximum authorized term of imprisonment at the first revocation is three years and the original maximum authorized term of supervised release is five years, the Commission at the first revocation may have imposed a one-year term of imprisonment and a further four-year term of supervised release. At the second revocation, the maximum authorized term of imprisonment will be two years, *i.e.*, the maximum authorized term of imprisonment at the first revocation (three years) minus the one-year term of imprisonment that was imposed at the first revocation.

(e) *Further term of supervised release; successive revocations.* (1) When the Commission revokes a term of supervised release that was imposed by the

Commission following a previous revocation of supervised release, the Commission may also impose a further term of supervised release. The maximum authorized length of such a term of supervised release shall be the original maximum authorized term of supervised release permitted by paragraph (b) of this section, less the total of the terms of imprisonment imposed by the Commission on the same sentence (including the term of imprisonment imposed in the current revocation).

(2) For example, if the maximum authorized term of imprisonment at the first revocation is three years and the original maximum authorized term of supervised release is five years, the Commission at the first revocation may have imposed a one-year term of imprisonment and a four-year further term of supervised release. If, at a second revocation, the Commission imposes another one-year term of imprisonment, the maximum authorized further term of supervised release will be three years (the original five-year period minus the total of two years of imprisonment).

(f) *Effect of sentencing court imposing less than the original maximum authorized term of supervised release.* If the Commission has revoked supervised release, the maximum authorized period of further supervised release is determined by reference to the original maximum authorized term permitted for the offense of conviction (see paragraph (b) of this section), even if the sentencing court did not impose the

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original maximum authorized term permitted for the offense of conviction.

§ 2.220 Appeal.

A supervised releasee may appeal to the Commission a decision to revoke supervised release, impose a term of imprisonment, or impose a new term of supervised release after revocation. The provisions of § 2.26 on the time limits for filing and deciding the appeal, the grounds for appeal, the format of the appeal, the limits regarding the submission of exhibits, and voting requirements apply to an appeal submitted under this section.

PART 3—GAMBLING DEVICES

Sec.

- 3.1 Definition.
- 3.2 Assistant Attorney General, Criminal Division.
- 3.3 Registration.
- 3.4 Registration to be made by letter.
- 3.5 Forfeiture of gambling devices.

AUTHORITY: 89 Stat. 379; 5 U.S.C. 301, sec. 2, Reorganization Plan No. 2 of 1950, 64 Stat. 1261; 3 CFR, 1949-1953 Comp.

CROSS REFERENCE: For Organization Statement, Federal Bureau of Investigation, see subpart P of part 0 of this chapter.

SOURCE: Order No. 331-65, 30 FR 2316, Feb. 20, 1965, unless otherwise noted.

§ 3.1 Definition.

For the purpose of this part, the term *Act* means the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 *et seq.*

§ 3.2 Assistant Attorney General, Criminal Division.

The Assistant Attorney General, Criminal Division, is authorized to exercise the power and authority of and to perform the functions vested in the Attorney General by the Act. (See also 28 CFR 0.55(i).)

(28 U.S.C. 509 and 510)

[Order No. 960-81, 46 FR 52354, Oct. 27, 1981]

§ 3.3 Registration.

Persons required to register pursuant to section 3 of the Act shall register with the Assistant Attorney General,

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Criminal Division, Department of Justice, Washington, DC 20530.

§ 3.4 Registration to be made by letter.

No special forms are prescribed for the purpose of registering under the Act. Registration shall be accomplished by a letter addressed to the Assistant Attorney General, Criminal Division, setting forth the information required by section 3(b)(4) of the Act. Registration should be made by registered or certified mail inasmuch as receipt of registrations will not otherwise be acknowledged. The registration requirement of the Act is an annual requirement. Any person engaged in any one or more of the activities for which registration is required under the Act must, in conformity with the provisions of the Act, register in each calendar year in which he engages in such activities.

§ 3.5 Forfeiture of gambling devices.

For purposes of seizure and forfeiture of gambling devices see section 8 of this chapter.

[Order No. 1128-86, 51 FR 8817, Mar. 17, 1986]

PART 4—PROCEDURE GOVERNING APPLICATIONS FOR CERTIFICATES OF EXEMPTION UNDER THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AND THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec.

- 4.1 Definitions.
- 4.2 Who may apply for Certificate of Exemption.
- 4.3 Contents of application.
- 4.4 Supporting affidavit; additional information.
- 4.5 Character endorsements.
- 4.6 Institution of proceedings.
- 4.7 Notice of hearing; postponements.
- 4.8 Hearing.
- 4.9 Representation.
- 4.10 Waiver of oral hearing.
- 4.11 Appearance; testimony; cross-examination.
- 4.12 Evidence which may be excluded.
- 4.13 Record for decision. Receipt of documents comprising record; timing and extension.