

## Department of Justice

## Pt. 2

petition itself. Papers filed by the petitioner more than 15 days after the commutation petition has been filed may be excluded from consideration.

(c) The petitioner's clemency counsel may request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney in support of the clemency petition. The presentation should be requested at the time the clemency petition is filed. The family or families of any victim of an offense for which the petitioner was sentenced to death may, with the assistance of the prosecuting office, request to make an oral presentation of reasonable duration to the Office of the Pardon Attorney.

(d) Clemency proceedings may be suspended if a court orders a stay of execution for any reason other than to allow completion of the clemency proceeding.

(e) Only one request for commutation of a death sentence will be processed to completion, absent a clear showing of exceptional circumstances.

(f) The provisions of this §1.10 apply to any person under a sentence of death imposed by a United States District Court for whom an execution date is set on or after August 1, 2000.

[Order No. 2317-2000, 65 FR 48381, August 8, 2000]

### § 1.11 Advisory nature of regulations.

The regulations contained in this part are advisory only and for the internal guidance of Department of Justice personnel. They create no enforceable rights in persons applying for executive clemency, nor do they restrict the authority granted to the President under Article II, section 2 of the Constitution.

[Order No. 1798-93, 58 FR 53658, Oct. 18, 1993. Redesignated by Order No. 2317-2000, 65 FR 48381, August 8, 2000]

## PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

### Subpart A—United States Code Prisoners and Parolees

Sec.

2.1 Definitions.

- 2.2 Eligibility for parole; adult sentences.
- 2.3 Same: Narcotic Addict Rehabilitation Act.
- 2.4 Same: Youth offenders and juvenile delinquents.
- 2.5 Sentence aggregation.
- 2.6 Withheld and forfeited good time.
- 2.7 Committed fines and restitution orders.
- 2.8 Mental competency proceedings.
- 2.9 Study prior to sentencing.
- 2.10 Date service of sentence commences.
- 2.11 Application for parole; notice of hearing.
- 2.12 Initial hearings: Setting presumptive release dates.
- 2.13 Initial hearing; procedure.
- 2.14 Subsequent proceedings.
- 2.15 Petition for consideration of parole prior to date set at hearing.
- 2.16 Parole of prisoner in state, local, or territorial institution.
- 2.17 Original jurisdiction cases.
- 2.18 Granting of parole.
- 2.19 Information considered.
- 2.20 Paroling policy guidelines: Statement of general policy.
- 2.21 Reparole consideration guidelines.
- 2.22 Communication with the Commission.
- 2.23 Delegation to hearing examiners.
- 2.24 Review of panel recommendation by the Regional Commissioner.
- 2.25 Hearings by videoconference.
- 2.26 Appeal to National Appeals Board.
- 2.27 Petition for reconsideration of original jurisdiction decisions.
- 2.28 Reopening of cases.
- 2.29 Release on parole.
- 2.30 False information or new criminal conduct: Discovery after release.
- 2.31 Parole to detainers: Statement of policy.
- 2.32 Parole to local or immigration detainers.
- 2.33 Release plans.
- 2.34 Rescission of parole.
- 2.35 Mandatory release in the absence of parole.
- 2.36 Rescission guidelines.
- 2.37 Disclosure of information concerning parolees; Statement of policy.
- 2.38 Community supervision by U.S. Probation Officers.
- 2.39 Jurisdiction of the Commission.
- 2.40 Conditions of release.
- 2.41 Travel approval.
- 2.42 Probation officer's reports to Commission.
- 2.43 Early termination.
- 2.44 Summons to appear or warrant for retaking of parolee.
- 2.45 Same; youth offenders.
- 2.46 Execution of warrant and service of summons.
- 2.47 Warrant placed as a detainer and dispositional review.
- 2.48 Revocation: Preliminary interview.
- 2.49 Place of revocation hearing.