

## Department of Justice

## §2.1

2.66 Revocation decision without hearing.

### Subpart B—Transfer Treaty Prisoners and Parolees

2.68 Prisoners transferred pursuant to treaty.

2.69 [Reserved]

### Subpart C—District of Columbia Code: Prisoners and Parolees

2.70 Authority and functions of the U.S. Parole Commission with respect to District of Columbia Code offenders.

2.71 Application for parole.

2.72 Hearing procedure.

2.73 Parole suitability criteria.

2.74 Decision of the Commission.

2.75 Reconsideration proceedings.

2.76 Reduction in minimum sentence.

2.77 Medical parole.

2.78 Geriatric parole.

2.79 Good time forfeiture.

2.80 Guidelines for D.C. Code offenders.

2.81 Reparole decisions.

2.82 Effective date of parole.

2.83 Release planning.

2.84 Release to other jurisdictions.

2.85 Conditions of release.

2.86 Release on parole; rescission for misconduct.

2.87 Mandatory release.

2.88 Confidentiality of parole records.

2.89 Miscellaneous provisions.

2.90 Prior orders of the Board of Parole.

2.91 Supervision responsibility.

2.92 Jurisdiction of the Commission.

2.93 Travel approval.

2.94 Supervision reports to Commission.

2.95 Early termination from supervision.

2.96 Order of early termination.

2.97 Withdrawal of order of release.

2.98 Summons to appear or warrant for retaking of parolee.

2.99 Execution of warrant and service of summons.

2.100 Warrant placed as detainer and dispositional review.

2.101 Probable cause hearing and determination.

2.102 Place of revocation hearing.

2.103 Revocation hearing procedure.

2.104 Issuance of subpoena for appearance of witnesses or production of documents.

2.105 Revocation decisions.

2.106 Youth Rehabilitation Act.

2.107 Interstate Compact.

### Subpart D—District of Columbia Supervised Releasees

2.200 Authority, jurisdiction, and functions of the U.S. Parole Commission with respect to offenders serving terms of supervised release imposed by the Superior Court of the District of Columbia.

2.201 Period of supervised release.

2.202 Prerelease procedures.

2.203 Certificate of supervised release.

2.204 Conditions of supervised release.

2.205 Confidentiality of supervised release records.

2.206 Travel approval and transfers of supervision.

2.207 Supervision reports to Commission.

2.208 Termination of a term of supervised release.

2.209 Order of termination.

2.210 Extension of term.

2.211 Summons to appear or warrant for retaking releasee.

2.212 Execution of warrant and service of summons.

2.213 Warrant placed as detainer and dispositional review.

2.214 Probable cause hearing and determination.

2.215 Place of revocation hearing.

2.216 Revocation hearing procedure.

2.217 Issuance of subpoena for appearance of witnesses or production of documents.

2.218 Revocation decisions.

2.219 Maximum terms of imprisonment and supervised release.

2.220 Appeal.

AUTHORITY: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

SOURCE: 42 FR 39809, Aug. 5, 1977, unless otherwise noted.

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

#### §2.1 Definitions.

As used in this part:

(a) The term *Commission* refers to the U.S. Parole Commission.

(b) The term *Commissioner* refers to members of the U.S. Parole Commission.

(c) The term *National Appeals Board* refers to the three-member Commission sitting as a body to decide appeals taken from decisions of a Regional Commissioner, who participates as a member of the National Appeals Board. The Vice Chairman shall be Chairman of the National Appeals Board.

(d) The term *National Commissioners* refers to the Chairman of the Commission and to the Commissioner who is not serving as the Regional Commissioner in respect to a particular case.

(e) The term *Regional Commissioner* refers to Commissioners who are assigned to make initial decisions, pursuant to the authority delegated by these

## § 2.2

## 28 CFR Ch. I (7–1–12 Edition)

rules, in respect to prisoners and parolees in regions defined by the Commission.

(f) The term *eligible prisoner* refers to any Federal prisoner eligible for parole pursuant to this part and includes any Federal prisoner whose parole has been revoked and who is not otherwise ineligible for parole.

(g) The term *parolee* refers to any Federal prisoner released on parole or as if on parole pursuant to 18 U.S.C. 4164 or 4205(f). The term *mandatory release* refers to release pursuant to 18 U.S.C. 4163 and 4164.

(h) The term *effective date of parole* refers to a parole date that has been approved following an in-person hearing held within nine months of such date, or following a pre-release record review.

(i) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms as used in chapter 311 of part IV of title 18 of the U.S. Code or 28 CFR chapter I, part 0, subpart V.

[42 FR 39809, Aug. 5, 1977, as amended at 43 FR 22707, May 26, 1978; Order No. 960–81, 46 FR 52354, Oct. 27, 1981; 60 FR 51350, Oct. 2, 1995; 61 FR 55743, Oct. 29, 1996]

### § 2.2 Eligibility for parole; adult sentences.

(a) A Federal prisoner serving a maximum term or terms of more than one year imposed pursuant to 18 U.S.C. 4205 (a) (or pursuant to former 18 U.S.C. 4202) may be released on parole in the discretion of the Commission after completion of one-third of such term or terms, or after completion of ten years of a life sentence or of a sentence of over thirty years.

(b) A Federal prisoner serving a maximum term or terms of more than one year imposed pursuant to 18 U.S.C. 4205(b)(1) (or pursuant to former 18 U.S.C. 4208(a)(1)) may be released on parole in the discretion of the Commission after completion of the court-designated minimum term, which may be less than but not more than one-third of the maximum sentence imposed.

(c) A Federal prisoner serving a maximum term or terms of more than one year imposed pursuant to 18 U.S.C. 4205(b)(2) (or pursuant to former 18 U.S.C. 4208(a)(2)) may be released on

parole at any time in the discretion of the Commission.

(d) If the Court has imposed a maximum term or terms of more than one year pursuant to 18 U.S.C. 924(a) or 26 U.S.C. 5871 [violation of Federal gun control laws], a Federal prisoner serving such term or terms may be released in the discretion of the Commission as if sentenced pursuant to 18 U.S.C. 4205(b)(2). However, if the prisoner's offense was committed on or after October 12, 1984, and the Court imposes a term or terms under 26 U.S.C. 5871, the prisoner is eligible for parole only after service of one-third of such term or terms, pursuant to 18 U.S.C. 4205(a).

(e) A Federal prisoner serving a maximum term or terms of one year or less is not eligible for parole consideration by the Commission.

[42 FR 41408, Aug. 17, 1977, as amended at 50 FR 36423, Sept. 6, 1985; 53 FR 46870, Nov. 21, 1988]

### § 2.3 Same: Narcotic Addict Rehabilitation Act.

A Federal prisoner committed under the Narcotic Addict Rehabilitation Act may be released on parole in the discretion of the Commission after completion of at least six months in treatment, not including any period of time for “study” prior to final judgment of the court. Before parole is ordered by the Commission, the Surgeon General or his designated representative must certify that the prisoner has made sufficient progress to warrant his release and the Attorney General or his designated representative must also report to the Commission whether the prisoner should be released. Recertification by the Surgeon General prior to reparole consideration is not required (18 U.S.C. 4254).

[48 FR 22918, May 23, 1983]

### § 2.4 Same: Youth offenders and juvenile delinquents.

Committed youth offenders and juvenile delinquents may be released on parole at any time in the discretion of the Commission.

(18 U.S.C. 5017(a) and 5041)

[45 FR 44925, July 2, 1980]