

119TH CONGRESS
1ST SESSION

S. _____

To amend title 18, United States Code, to provide appropriate standards for the inclusion of a term of supervised release after imprisonment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE (for himself, Mr. COONS, Mr. WICKER, Mr. CRAMER, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to provide appropriate standards for the inclusion of a term of supervised release after imprisonment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safer Supervision Act
5 of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Over 110,000 people were on Federal super-
9 vised release as of December 2024.

1 (2) The Supreme Court of the United States
2 explained in *Johnson v. United States* that “Super-
3 vised release departed from the parole system it re-
4 placed by giving district courts the freedom to pro-
5 vide postrelease supervision for those, and only
6 those, who needed it. ... Congress aimed, then, to
7 use the district courts’ discretionary judgment to al-
8 locate supervision to those releasees who needed it
9 most.”.

10 (3) Federal probation officers report significant
11 caseloads that can exceed 100 cases per officer. This
12 can create a difficult burden for the officers and
13 limit their ability to provide appropriate supervision
14 to those who need it.

15 (4) The potential for early termination or other
16 modifications of supervision, when consistent with
17 public safety, can not only reduce burdens and save
18 valuable judicial resources but also create positive
19 incentives for compliance and rehabilitation con-
20 sistent with the purposes of supervision. Requests
21 for early termination and appeals from the denial of
22 early termination are not challenges to the original
23 sentence but rather an integral part of the rehabili-
24 tative scheme established by Congress. In the 12-
25 month period ending in December 2024, early termi-

1 nations were 29 percent of successful supervised re-
2 lease closures.

3 (5) The Administrative Office of the United
4 States Courts has explained that “excessive correc-
5 tional intervention for low-risk defendants may in-
6 crease the probability of recidivism by disrupting
7 prosocial activities and exposing defendants to anti-
8 social associates.”.

9 (6) Supervised release is and should remain an
10 important tool for the Federal courts to use, as ap-
11 propriate, to, among other items, protect the public
12 from further crimes, deter future criminal conduct,
13 and help the defendant become a contributing mem-
14 ber of society by recovering from substance use dis-
15 order, participating in rehabilitation and training
16 programs, and providing restitution to victims,
17 among other outcomes.

18 (7) Better tailoring when and how supervised
19 release is imposed, encouraging early termination
20 when appropriate, and expanding judicial discretion
21 on certain revocations will reduce burdens on law en-
22 forcement officers and taxpayers, encourage compli-
23 ance and improve public safety, and better assist de-
24 fendants in their pursuit of rehabilitation and re-

1 integration, to the benefit of themselves, victims,
2 and communities.

3 **SEC. 3. INCLUSION OF A TERM OF SUPERVISED RELEASE**
4 **AFTER IMPRISONMENT.**

5 Section 3583 of title 18, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking “The court” and inserting
9 the following:

10 “(1) IN GENERAL.—The court”; and

11 (B) by adding at the end the following:

12 “(2) INDIVIDUALIZED ASSESSMENT.—When de-
13 termining whether to include a term of supervised
14 release as part of the sentence, and except to the ex-
15 tent that a term of supervised release is required by
16 statute as described in paragraph (1), the court
17 shall—

18 “(A) make an individualized assessment
19 under the factors set forth in subsections (c)
20 and (d) as to—

21 “(i) whether such a term is appro-
22 priate; and

23 “(ii) the appropriate length and condi-
24 tions of such a term; and

1 “(B) provide the reasons of the court for
2 imposing or not imposing such a term on the
3 record.”;

4 (2) in subsection (d), in the fifth sentence, by
5 striking “shall also” and inserting “may also”;

6 (3) in subsection (e)—

7 (A) by redesignating paragraphs (1)
8 through (4) as subparagraphs (A) through (D),
9 respectively, and adjusting the margins accord-
10 ingly;

11 (B) by striking “The court may,” and in-
12 serting the following:

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 the court may,”;

15 (C) in subparagraph (A), as so redesign-
16 ated, by striking “after the expiration of one
17 year of supervised release”;

18 (D) in subparagraph (C), as so redesign-
19 ated, by striking “this paragraph” and insert-
20 ing “this subparagraph”;

21 (E) in subparagraph (D), as so redesign-
22 ated, by striking “this paragraph” and insert-
23 ing “this subparagraph”; and

24 (F) by adding at the end the following:

1 “(2) TERMINATION OF SUPERVISED RE-
2 LEASE.—For purposes of the termination of super-
3 vised release under paragraph (1)(A)—

4 “(A) after a defendant has served the less-
5 er of 1 year of supervised release or 50 percent
6 of the term of supervised release imposed on
7 the defendant, the Administrative Office of the
8 United States Courts shall provide notice to a
9 defendant, defendant’s counsel, and any local
10 Federal Public Defender Organization or Com-
11 munity Defender Organization of the oppor-
12 tunity to seek early termination of supervised
13 release under paragraph (1)(A) and the process
14 for doing so;

15 “(B) there shall be a presumption of early
16 termination of supervised release for a defend-
17 ant under supervision if—

18 “(i)(I) for a defendant serving a term
19 of supervised release imposed in connection
20 with a conviction for an offense described
21 in subsection (a) of section 16, the defend-
22 ant has served 66.6 percent of the term of
23 supervised release imposed on the defend-
24 ant; or

1 “(II) for a defendant other than a de-
2 fendant described in subclause (I), the de-
3 fendant has served 50 percent of the term
4 of supervised release imposed on the de-
5 fendant;

6 “(ii) the defendant has demonstrated
7 good conduct and compliance while on su-
8 pervised release; and

9 “(iii) the early termination will not
10 jeopardize public safety;

11 “(C) the Government shall have an oppor-
12 tunity to object to a request for termination of
13 supervised release and to present evidence,
14 which the defendant shall have the opportunity
15 to rebut, in any proceeding relating to such re-
16 quest; and

17 “(D) crime victims’ rights under section
18 3771 shall apply to any proceeding relating to
19 a request for early termination of supervised re-
20 lease.

21 “(3) PUBLIC SAFETY.—In assessing whether
22 early termination of supervised release will not jeop-
23 ardize public safety under this subsection, the court
24 shall consider the nature of the offense committed
25 by the defendant, the defendant’s criminal history,

1 the defendant's record while incarcerated (including
2 good behavior and violations of prison rules), the de-
3 fendant's efforts to avoid recidivism, the defendant's
4 health status, any statements or information pro-
5 vided by victims of the offense, and other factors the
6 court may find relevant to public safety.

7 “(4) GOOD CONDUCT AND COMPLIANCE.—In
8 assessing whether the defendant has demonstrated
9 good conduct and compliance under this subsection,
10 the court shall consider the defendant's efforts to re-
11 integrate into the community and the defendant's
12 substantial compliance with the conditions of super-
13 vision.

14 “(5) ASSISTANCE OF COUNSEL.—The court
15 may appoint a Federal public defender, a community
16 defender, or other counsel qualified to be appointed
17 under section 3006A to assist a defendant seeking
18 early termination of supervised release under para-
19 graph (1)(A) or modification of conditions under
20 paragraph (1)(B).

21 “(6) RULE OF CONSTRUCTION.—Paragraph
22 (2)(B) shall not be construed to limit the discretion
23 of a court under paragraph (1).

24 “(7) CLARIFICATION.—The early termination of
25 supervised release under paragraph (1)(A) does not

1 require extraordinary conduct or unforeseen cir-
2 cumstances.

3 “(8) APPLICABILITY.—The ability to seek the
4 early termination of supervised release under para-
5 graph (1)(A) shall not be affected by the plea agree-
6 ment of the defendant.”;

7 (4) in subsection (g)—

8 (A) in the subsection heading, by striking
9 “POSSESSION OF CONTROLLED SUBSTANCE OR
10 FIREARM OR FOR REFUSAL TO COMPLY WITH
11 DRUG TESTING” and inserting “DISTRIBUTION
12 OF A CONTROLLED SUBSTANCE OR POSSES-
13 SION OF A FIREARM”;

14 (B) by amending paragraph (1) to read as
15 follows:

16 “(1)(A) possesses a controlled substance with
17 the intent to distribute; or

18 “(B) possesses a controlled substance, the pos-
19 session of which may be punished under Federal law
20 by imprisonment for a term exceeding 1 year;”;

21 (C) in paragraph (2), by inserting “or” at
22 the end;

23 (D) by amending paragraph (3) to read as
24 follows:

1 “(3) willfully refuses to comply with drug test-
2 ing imposed as a condition of supervised release;”;
3 (E) by striking paragraph (4); and
4 (F) in the matter following paragraph (4),
5 by striking “subsection (e)(3)” and inserting
6 “subsection (e)(1)(C)”; and
7 (5) in subsection (k), in the second sentence, by
8 striking “subsection (e)(3)” and inserting “sub-
9 section (e)(1)(C)”.

10 **SEC. 4. LAW ENFORCEMENT AVAILABILITY PAY FOR PRO-**
11 **BATION AND PRETRIAL SERVICES OFFICERS.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Director of the Administrative Office of
14 the United States Courts, in consultation with the Direc-
15 tor of the Office of Personnel Management, shall submit
16 to the Committee on the Judiciary of the Senate and the
17 Committee on the Judiciary of the House of Representa-
18 tives a report containing a legislative proposal, and consid-
19 erations for implementation of the proposal, that would
20 provide law enforcement availability pay to Federal proba-
21 tion officers and pre-trial services officers that is equal
22 to that provided to criminal investigators under section
23 5545a of title 5, United States Code.

1 **SEC. 5. ALLOWING PRISONERS NOT SENTENCED TO SUPER-**
2 **VISED RELEASE TO APPLY EARNED TIME**
3 **CREDITS.**

4 Section 3624(g) of title 18, United States Code, is
5 amended—

6 (1) in the subsection heading, by striking “SU-
7 PERVISED”;

8 (2) in paragraph (1)(D)—

9 (A) in clause (i), by striking “supervised”
10 each place it appears; and

11 (B) in clause (ii), by striking “placed in
12 supervised release” and inserting “released”;

13 (3) in paragraph (3)—

14 (A) by striking “(3) SUPERVISED RE-
15 LEASE.—If the sentencing court” and inserting
16 the following:

17 “(3) RELEASE.—

18 “(A) SUPERVISED RELEASE IMPOSED.—If
19 the sentencing court”; and

20 (B) by adding at the end the following:

21 “(B) SUPERVISED RELEASE NOT IM-
22 POSED.—If the sentencing court did not impose
23 a term of supervised release, the Director of the
24 Bureau of Prisons may release the prisoner at
25 an earlier date, not to exceed 12 months, based

1 on the application of time credits under section
2 3632.”;

3 (4) in paragraph (6)(A), by striking “super-
4 vised”; and

5 (5) in paragraph (7)(B), by striking “super-
6 vised”.

7 **SEC. 6. GAO REPORT.**

8 (a) INITIATION OF STUDY.—Not later than 1 year
9 after the date of enactment of this Act, the Comptroller
10 General of the United States shall initiate a study on Fed-
11 eral post-release supervision and reentry services.

12 (b) REPORT.—The Comptroller General of the
13 United States shall submit to Congress a report regarding
14 the study under subsection (a), which shall include find-
15 ings and potential recommendations related to—

16 (1) the number of individuals that have been
17 placed on Federal probation or supervised release
18 since 2019;

19 (2) the process for transitioning an individual
20 from the custody of the Bureau of Prisons to the Of-
21 fice of Probation and Pretrial Services or the cus-
22 tody of the United States Marshals Service;

23 (3) a review of Federal programs or funding
24 sources that aim to assist individuals from the cus-

1 tody of the Bureau of Prisons with reentry, includ-
2 ing—

3 (A) ongoing mental health and substance
4 use counseling, housing, medical care, edu-
5 cation, and job placement; and

6 (B) any changes in such programs or fund-
7 ing since 2019;

8 (4) a workforce assessment of judicial districts,
9 including an analysis of—

10 (A) during the most recent 2 years for
11 which data is available, the number of officers,
12 officer caseloads, and overtime hours worked,
13 reported, or accrued; and

14 (B) the system for tracking overtime hours
15 worked by officers of the Office of Probation
16 and Pretrial Services; and

17 (5) the funding formula for probation offices,
18 including an assessment of how that formula affects
19 incentives for the recommendation of early termi-
20 nation of supervised release.