

**THE SUPERVISED OFFENDER'S  
QUANDARY: MODIFYING  
CONDITIONS OF SUPERVISED  
RELEASE FOR LEGALITY WITH 18  
U.S.C. § 3583(E)(2)**

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Supervised release is a federal program imposed onto almost every defendant who is sentenced to over a year in federal prison. Enacted by Congress as a replacement to the parole system, supervised release is overseen by the judiciary and is imposed at the time of sentencing. To ensure that supervised release serves a rehabilitative rather than punitive goal, Congress included a provision in 18 U.S.C. § 3583(e)(2) that allows a district court to modify, extend, or terminate the term and conditions of supervised release at any time after considering several sentencing factors. However, a recent circuit split regarding modification of supervised release conditions for substantive legality has complicated the application of supervised release. The Ninth, Second, and Fifth Circuits have explicitly held that district courts do not have jurisdiction to modify supervised release conditions for legality, but the

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Seventh Circuit recently held that they do. This Article provides an overview of the circuit split and argues for its own interpretation, relying upon two United States Supreme Court cases decided in 2002 regarding supervised release. It then argues that Congress should modify the statute to allow modifications for substantive legality to further the rehabilitative purpose and goal of supervised release by providing offenders an avenue to challenge their conditions for legality.