
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF THE
MODIFICATION OF STANDARD
CONDITION 12 AND STATING THE
COURT'S STANDARD CONDITIONS
OF SUPERVISION

**GENERAL ORDER
23-014
(Supersedes General Order 23-008)**

Previously, this court adopted, by [General Order 23-008](#), the standard conditions of supervision recommended by the Judicial Conference effective November 1, 2016. However, in *United States v. Cabral*, 926 F.3d 687 (10th Cir. 2019), the United States Court of Appeals for the Tenth Circuit held that imposing standard condition number 12—known as the risk-notification condition—as written, and without limitation, constitutes an improper delegation of judicial power to the probation officer. See *id.* at 691. Therefore, in accord with *Cabral*, it is the order of this court that the risk-notification condition shall remain a standard condition of supervision, but shall be modified to require prior court approval as follows:

If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may, **after obtaining court approval**, require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

Additionally, the United States Probation Office (USPO) shall cease enforcing the risk-notification condition for those defendants already under supervision unless court approval is first obtained.

With this modification to standard condition number 12, the District of Utah's standard conditions of supervision are as follows:

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced (or within 72 hours of your release from imprisonment in supervised release cases), unless the probation officer instructs you to report to a different probation office or within a different time frame.

2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

4. You must answer truthfully the questions asked by your probation officer.

5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may, after obtaining court approval, require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

13. You must follow the instructions of the probation officer related to the conditions of supervision.

This General Order supersedes [General Order 23-008](#), wherein the court adopted the standard conditions of supervision, without modification, as recommended by the Judicial Conference in 2016.

SO ORDERED this 28th day of December, 2023.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE