

**RULE CR-32. SENTENCE AND JUDGMENT**

(a) **Time of Sentencing.** Except for good cause, the court should sentence the defendant within 60 days after the date of the verdict or entry of guilty plea.

(b) **Time Limits Regarding the Presentence Report.** If the defendant and the government waive the time limits under Federal Rule of Criminal Procedure 32, the following time limits apply.

(1) ***Disclosing the Report.*** The probation officer must give the presentence report to the defendant, the defendant's attorney, and the attorney for the government at least 24 days before sentencing. Delivery of an extra copy of the presentence report to the defendant's attorney constitutes giving the report to the defendant.

(2) ***Reviewing the Report.*** Within 10 days after the presentence report is given, the attorney for the defendant must certify to the probation officer that the defendant has reviewed the presentence report and consulted with the attorney regarding the report.

(3) ***Objecting to the Report.*** Within 10 days after the presentence report is given, the parties must state in writing any objections to the report.

(4) ***Acting on Objections.*** Within 10 days after receiving objections, the probation officer may meet with the parties to discuss the objections, investigate further, and revise the presentence report as appropriate.

(5) ***Submitting the Report.*** At least 4 days before sentencing, the probation officer must submit the presentence report, any revision to the report, and any addendum to the court and the parties.

(c) **Changing Time Limits.** The court may, for good cause, change any time limit prescribed in subsection (b), except that the time limit for objecting to the presentence report may be shortened only with the consent of the defendant, the defendant's attorney, and the attorney for the government.

(d) **Sentencing.** At sentencing, the court may:

(1) allow a party, for good cause, to make a new objection before sentence is imposed;

(2) accept the presentence report as accurate, except with regard to any unresolved objection; and

(3) in resolving an objection, consider any reliable information presented by the probation officer, the defendant, or the government.

(Rev: 12/17/09)

**(e) Post-Sentencing Disclosures.**

**(1) *Presentence Report.*** After sentencing, the presentence report and its contents must remain confidential, except that the probation officer may disclose the presentence report or its contents to:

- (A)** the U.S. Sentencing Commission;
- (B)** the U.S. Parole Commission;
- (C)** the U.S. Pretrial Services Office;
- (D)** another U.S. Court;
- (E)** the Federal Bureau of Prisons, if a term of imprisonment is imposed; or
- (F)** any person as ordered by the court.

**(2) *Confidential Sentencing Recommendation.*** Except as ordered by the sentencing judge, the probation officer's confidential sentencing recommendation must not be disclosed.

**Committee Notes**

1. The language of Rule CR-32 has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only, except as noted below.

2. Subsection (a) extends the usual time for sentencing after a finding of guilt from 45 days to 60 days. The U.S. Probation Office indicates that a 60-day time frame would better reflect current practice across the district. The subsection also adds a "good cause" proviso, expressly allowing for variation from the 60-day practice.

3. Subsection (b)(3) deletes the former rule's reference to what must be included in the objections to the presentence report. This matter is covered by subsection (f)(1) of the restyled version of Fed. R. Crim. P. 32.

4. Subsection (b)(5) deletes the former rule's reference to what must be included in the addendum to the presentence report. This matter is covered by subsection (g) of the restyled version of Fed. R. Crim. P. 32.

5. Subsections (d)(1) and (d)(2) are taken from the former rule; they are substantially the same as subsections (h)(1)(D) and (h)(3)(A) of the restyled version of Fed. R. Crim. P. 32.

6. Subsection (e) deletes the former rule's prohibition on disclosing the presentence report to an inmate, instead providing generally that the presentence report remains confidential. Under subsection (e)(1)(F), any court of the district can order disclosure of a presentence report; under subsection (e)(2), by contrast, only the sentencing judge may order disclosure of the probation officer's confidential sentencing recommendation.