

■ 4. Amend § 2.14 as follows:

■ a. Revise paragraphs (a)(1), introductory text, and (a)(1)(ii) and (iii) to read as follows:

§ 2.14 Subsequent proceedings.

(a) *Interim proceedings.* * * *

(1) Notwithstanding a previously ordered presumptive release date or fifteen year reconsideration hearing, interim hearings shall be conducted pursuant to the procedures of § 2.13(b), (c), (e), and (f) at the following intervals from the date of the last hearing:

* * * * *

(ii) In the case of a prisoner with a maximum term or terms of seven years or more, every twenty-four months (until released);

(iii) In the case of a prisoner with an unsatisfied minimum term, the first interim hearing shall be scheduled under paragraphs (a)(1)(i) or (ii) of this section, or on the docket of hearings that is nine months prior to the month of parole eligibility, whichever is later.

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■ b. In paragraph (a)(2)(iii) by removing “Federal Prison System” wherever that term appears and adding “Bureau of Prisons”

■ c. In paragraphs (a)(2)(iii) and (a)(4)(ii) by removing “an Institutional Disciplinary Committee” wherever that term appears and adding “the Discipline Hearing Officer”; and

■ d. In paragraph (b)(4)(ii) by removing “administrative hearing examiner” wherever that term appears and adding “Executive Hearing Examiner”.

■ 5. Amend § 2.17 by revising paragraph (a) to read as follows:

§ 2.17 Original jurisdiction cases.

(a) Following any hearing conducted pursuant to these rules, the Regional Commissioner may designate that a case should be decided as an original jurisdiction case. If the Regional Commissioner makes such a designation, the Regional Commissioner shall vote on the case and then refer the case to the other Commissioners for their votes. The decision in an original jurisdiction case shall be made on the basis of a majority vote of Commissioners holding office at the time of the decision.

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■ 6. Amend § 2.20 as follows:

■ a. Amend the Offense Behavior Severity Index, Chapter Two Offenses Involving the Person, Subchapter B—Assault Offenses, 212 Assault, by removing paragraph (e).

■ b. Amend the Offense Behavior Severity Index, Chapter Three Offenses Involving Property, Subchapter A—

Arson and Other Property Destruction Offenses, 303 Property Destruction Other Than Listed Above, by revising paragraph (a).

■ c. Amend the Offense Behavior Severity Index, Chapter Thirteen General Notes and Definitions, Subchapter A—General Notes, by revising Note 4.

■ d. Amend the Salient Factor Scoring Manual, Item A, by revising paragraph A.5.

■ e. Amend the Salient Factor Scoring Manual, Item D, paragraph D.3(c) by removing “CTC” wherever that term appears and adding “CCC”.

The revised and added text reads as follows:

§ 2.20 Paroling policy guidelines: Statement of general policy.

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U.S. Parole Commission Offense Behavior Severity Index

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CHAPTER THREE—OFFENSES INVOLVING PROPERTY

SUBCHAPTER A—ARSON AND OTHER PROPERTY DESTRUCTION OFFENSES

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303 Property Destruction Other Than Listed Above

(a) If the conduct results in bodily injury *, or serious bodily injury *, or if serious bodily injury is the result intended *, grade as if “assault during commission of another offense;”

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CHAPTER THIRTEEN—GENERAL NOTES AND DEFINITIONS

SUBCHAPTER A—GENERAL NOTES

* * * * *

4. The prisoner is to be held accountable for his own actions and actions done in concert with others; however, the prisoner is not to be held accountable for activities committed by associates over which the prisoner has no control and could not have been reasonably expected to foresee. However, if the prisoner has been convicted of a conspiracy, he must be held accountable for the criminal activities committed by his co-conspirators, provided such activities were committed in furtherance of the conspiracy and subsequent to the date the prisoner joined the conspiracy, except in the case of an independent, small-scale operator whose role in the conspiracy was neither established nor significant. An offender has an “established” role in a conspiracy if, for example, he takes orders to perform a function that assists others to further the

objectives of the conspiracy, even if his activities did not significantly contribute to those objectives. For such offenders, however, a “peripheral role” reduction may be considered.

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Salient Factor Scoring Manual

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Item A. * * *

A.5 *Diversions*. Conduct resulting in diversion from the judicial process without a finding of guilt (*e.g.*, deferred prosecution, probation without plea, or a District of Columbia juvenile consent decree) is not to be counted in scoring this item. However, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be counted as a conviction even if a conviction is not formally entered.

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§ 2.21 [Amended]

■ 7. Amend § 2.21, paragraph (c), by removing “§§ 2.47(d)” and adding “§§ 2.47(e)”.

■ 8. Revise § 2.24 to read as follows:

§ 2.24. Review of panel recommendation by the Regional Commissioner.

(a) Upon review of the examiner panel recommendation, the Regional Commissioner may make the decision by concurring with the panel recommendation. If the Regional Commissioner does not concur, the Regional Commissioner shall refer the case to another Commissioner and the decision shall be made on the concurring votes of two Commissioners.

(b) Upon review of the panel recommendation, the Regional Commissioner may also:

(1) Designate the case for the original jurisdiction of the Commission pursuant to § 2.17, vote on the case, and then refer the case to another Commissioner for further review; or

(2) Remand the case for a rehearing, with the notice of action specifying the purpose of the rehearing.

■ 9. Amend § 2.28 by revising paragraph (a) to read as follows:

§ 2.28 Reopening of cases.

(a) *Favorable information*. Upon the receipt of new information of substantial significance favorable to the prisoner, the Regional Commissioner may reopen a case (including an original jurisdiction case), and order a special reconsideration hearing on the next available docket, or modify the previous decision. The advancement of a