NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES *v.* WILSON

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 90–1745. Argued January 15, 1992—Decided March 24, 1992

In sentencing respondent Wilson to prison for violating the Hobbs Act, the District Court denied his request for credit under 18 U.S.C. §3585(b) for the time he had spent in presentence detention by Tennessee authorities. After a state trial court credited such time against his prison term for state-law convictions, the Court of Appeals reversed the District Court's ruling, holding that he had a right to federal credit and that the District Court should have awarded it to him.

Held: It is the Attorney General who computes the amount of the §3585(b) credit after the defendant has begun to serve his sentence. Pp.2–7.

(a)Effective in 1987, §3585(b)—which specifies, *inter alia,* that ``*[a] defendant shall be given credit* toward [his] term of imprisonment for any time he has spent in official detention prior to the date the sentence commences,'' if such time ``has not been credited against another sentence'' (emphasis added)—replaced a statute which had provided, among other things, that ``*[t]he Attorney General shall give any such person credit*'' (emphasis added). Under the predecessor statute, the Attorney General, through the Bureau of Prisons (BOP), computed the amount of credit after taking custody of the sentenced federal offender. Pp.2–3.

(b)Section 3585(b) does not authorize a district court to compute the credit at sentencing. By stating crucial verbs in the past and present perfect tenses, the section indicates that the computation must occur after the defendant begins his sentence. A sentencing court, therefore, cannot apply the section. Indeed, the District Court here could not have made the necessary computation at sentencing, since the credit is based on how much time a defendant ``has spent'' (not ``will have spent'') prior to beginning his sentence. The court did not

then know when the state-court proceedings would end or when the federal authorities would take Wilson into custody, and only could have speculated about the amount of time that he would spend in detention. Moreover, it is immaterial that such detention ``ha[d] not been credited'' against a state sentence at the time of Wilson's federal sentencing, since basing the award of credit on the relative timing of sentencing proceedings would result in arbitrary awards. Pp.4–5.

Syllabus

(c)In light of the sentencing court's inability to compute the credit, the Attorney General must continue to make the calculation as he did in the past, even though §3585(b) no longer mentions him. The offender has a right to certain jail-time credit under the section, and BOP must know how much of a sentence remains in order to fulfill its statutory duty of administering the sentence. Congress' conversion of the former statute's active language into the passive voice in §3585(b) is a slim ground for presuming an intention to change well-established procedures for determining the credit. Pp.5–6.

(d)The general presumption that Congress contemplates a change whenever it amends a statute is overcome in this case by the foregoing analysis. Because the statute was entirely rewritten, and because any other interpretation would require this Court to stretch §3585(b)'s language, it is likely that the former reference to the Attorney General was simply lost in the shuffle. This interpretation does not render the 1987 revision meaningless, since Congress altered the predecessor statute in at least three other ways. Pp.6–7.

916 F.2d 1115, reversed.

THOMAS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and BLACKMUN, O'CONNOR, SCALIA, KENNEDY, and SOUTER, JJ., joined. STEVENS, J., filed a dissenting opinion, in which WHITE, J., joined.