



Prison and Sentencing Impact Assessments for Proposed 2013 Amendments to the Federal Sentencing Guidelines

For a complete description of all of the proposed 2013 amendments, please visit http://www.ussc.gov/Legal/Amendments/Reader-Friendly/20130430_RF_Amendments.pdf

Prison and Sentencing Impacts:

1) Trade Secrets

Because of the small number of cases affected, the prison impact is negligible.

2) Pre-Retail Medical Products

Because of the small number of cases affected with convictions under sections 1831 and 1832, the prison impact is negligible. However, there is insufficient information to determine whether cases convicted under other statutes will be impacted by this amendment.

3) Counterfeit and Adulterated Drugs; Counterfeit Military Parts

Because of the small number of cases affected by either of these amendments, based on current prosecution practices, the prison impact is negligible.

4) Tax Deductions

There is insufficient information regarding how tax loss is calculated and whether that calculation included consideration of unclaimed deductions; consequently, a prison impact estimate cannot be made.

5) Acceptance of Responsibility

The number of offenders affected by either circuit conflict cannot be determined; consequently, the prison impact cannot be estimated.

6) *Setser*

Information on anticipated state sentences is not available; consequently, the prison impact cannot be estimated.

Miscellaneous and Technical Amendments

1) Aiming a Laser Pointer at an Aircraft

Offenses involving aiming laser pointers at aircraft have been sentenced under §2A5.2. The amendment did not change that disposition. Accordingly, there does not appear to be any prison impact.

2) Restraining the Harassment of a Victim or Witness

These offenses have been prosecuted under section 1512(d)(1) and sentenced under §2J1.2. It is estimated that offenses under section 1514(c) also would be sentenced under §2J1.2. Accordingly, there does not appear to be any prison impact.

3) Restricted Buildings and Grounds

This offense has existed in a different form for many years but there have been no convictions. Whether there may be more convictions now that the statute has been rewritten cannot reliably be estimated.

4) Aviation Smuggling

This offense has existed for many years but has not resulted in any convictions. Whether there may be more convictions in the future cannot reliably be estimated.

5) Interaction Between Offense Guidelines in Chapter Two, Part J, and Certain Adjustments in Chapter Three, Part C

Because of the small number of cases affected, the prison impact is negligible.

6) Export Offenses Under 18 U.S.C. § 554

Information on future prosecution practices is not available; consequently, the prison impact cannot be estimated.

For more information about why the Commission may not perform prison and sentencing impact assessments, see the [Frequently Asked Questions](#).