

UNITED STATES SENTENCING COMMISSION

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September 1, 2023

To all recipients of the *Guidelines Manual*:

As chair of the United States Sentencing Commission, I am pleased to transmit the 2023 edition of the *Guidelines Manual*, which incorporates amendments to guidelines, policy statements, and commentary effective November 1, 2023. This edition of the *Guidelines Manual* reflects recent actions of the Commission, including the following—

- **Changes to §1B1.13**

The Commission amended §1B1.13 to reflect that a defendant is now authorized to file a motion under 18 U.S.C. § 3582(c)(1)(A), making the policy statement applicable to both defendant-filed and BOP-filed motions. The Commission also expanded the list of specified extraordinary and compelling reasons and retained the “other reasons” basis for a sentence reduction to better account for and reflect the plain language of section 3582(c)(1)(A), its legislative history, and decisions by courts made in the absence of a binding policy statement. In addition, the Commission added two new application notes to the Commentary to §1B1.13 regarding the interaction of the policy statement with 18 U.S.C. § 3622 and notification of victims.

- **Sexual Abuse Offenses**

The Commission amended §2A3.3 to address offenses involving sexual abuse committed by law enforcement or correctional personnel against victims in their custody, care, or supervision.

- **Safety Valve**

The Commission revised §5C1.2 and its corresponding commentary to reflect the statutory changes to the “safety valve” provision at 18 U.S.C. § 3553(f) made by the First Step Act of 2018 (Pub. L. 115–391).

- **Fake Pills Containing Fentanyl or Fentanyl Analogue**

The Commission amended §2D1.1(b)(13) to add a new subparagraph (B) with an alternative 2-level enhancement for offenses where the defendant represented or marketed as a legitimately manufactured drug another mixture or substance containing fentanyl or a fentanyl analogue, and acted with willful blindness or conscious avoidance of knowledge that such mixture or substance was not the legitimately manufactured drug.

- **Firearms Offenses**

The Commission revised §2K2.1 to address new offenses and other changes in law made by the Bipartisan Safer Communities Act (Pub. L. 117–159) and to account for firearms that are not marked with a serial number.

- **Acceptance of Responsibility**

The Commission revised §3E1.1 to address circuit conflicts and decrease variation between jurisdictions in applying §3E1.1(b) by providing a definition of the term “preparing for trial,” which appears in §3E1.1(b) and the Commentary to §3E1.1.

- **Changes to Chapters Four and Five**

The Commission amended Chapter Four (Criminal History and Criminal Livelihood) and Chapter Five (Determining the Sentence) to reduce the impact of providing additional criminal history points for defendants under a criminal justice sentence (commonly known as “status points”), to reduce recommended guideline ranges for certain defendants with zero criminal history points under the guidelines, and to recognize the changing legal landscape as it pertains to simple possession of marijuana offenses.

- **Career Offender**

The Commission amended §4B1.2 in response to several application issues that have arisen in the context of the career offender guideline, including addressing a circuit conflict regarding the authoritative weight afforded to certain commentary to §4B1.2.

As an aid to the reader in considering departures under the guidelines, the *Guidelines Manual* includes a list of departure provisions. The list appears at the back of the book, after the official Statutory Index (Appendix A) and the general index.

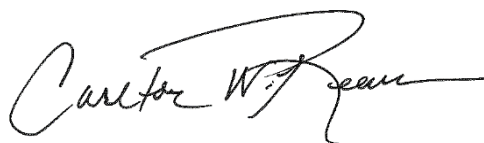
Appendix B (containing the principal statutory provisions governing sentencing as of May 1, 2023) is set forth in a separate volume. That volume is also enclosed.

Appendix C sets forth guideline amendments and the accompanying reasons for amendment. **Please take time to read the reasons for amendment when considering the amendments.** A new supplement to Appendix C (containing guideline amendments effective November 1, 2012, through November 1, 2023) is enclosed. You should already have Volumes I through III (containing guideline amendments effective November 1, 1987, through November 1, 2011, and the reasons for those amendments).

The 2023 *Guidelines Manual* Annotated, which is an online HTML version of the *Guidelines Manual* that provides improved access to the history of specific guideline and commentary provisions, is available on the Commission’s website at www.ussc.gov. The *Guidelines Manual* is also available as the Guidelines App, a mobile-friendly web-based app that features additional tools to assist in understanding and applying the federal sentencing guidelines. The web app is accessible through any internet browser on mobile devices and desktop or laptop computers by visiting www.guidelines.ussc.gov.

As always, the Commission encourages judges, probation officers, prosecuting and defense attorneys, and other interested individuals to submit suggestions for improving the guidelines. Please send comments to: United States Sentencing Commission, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, D.C. 20002-8002, Attention: Office of Public Affairs, or by email to pubaffairs@ussc.gov.

Sincerely,



Carlton W. Reeves

The telephone number for the **USSC Helpline** is (202) 502-4545. The hours of operation are from 8:30 a.m. to 5 p.m., Eastern time, Monday through Friday. Helpline questions can also be submitted by filling out a form and submitting it electronically at askussctraining.ussc.gov. The *Guidelines Manual* and other Commission publications and information are available on the Commission’s website at www.ussc.gov. On the web site, for example, you will find the latest **Quick Facts** publications and the **Interactive Data Analyzer (IDA)**.