

**UNITED STATES SENTENCING COMMISSION**

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September 3, 2024

To all recipients of the *Guidelines Manual*:

As chair of the United States Sentencing Commission, I am pleased to transmit the 2024 edition of the *Guidelines Manual*, which incorporates amendments to guidelines, policy statements, and commentary effective November 1, 2024. This edition of the *Guidelines Manual* reflects recent actions of the Commission. While all changes are important, I direct your attention to the amendment concerning youthful individuals, which makes clear that a defendant's youthfulness at the time of the offense or prior offenses may be relevant in determining whether a departure is warranted. The actions taken by the Commission include the following—

- **Limiting the Use of Acquitted Conduct**

The Commission amended §1B1.3 (Relevant Conduct) to exclude acquitted conduct from the scope of relevant conduct used in calculating a sentence range under the federal guidelines. The amendment limits the scope of “acquitted conduct” to only those charges of which the defendant has been acquitted in federal court.

- **Rule for Calculating Loss**

The Commission amended §2B1.1 (Theft, Property Destruction, and Fraud) to move the general rule establishing loss as the greater of actual loss or intended loss from the commentary to the guideline itself as part of newly created Notes to the loss table in §2B1.1(b)(1). The amendment also moves the rules providing for the use of gain as an alternative measure of loss, as well as the definitions of “actual loss,” “intended loss,” “pecuniary harm,” and “reasonably foreseeable pecuniary harm,” from the commentary to the Notes. The amendment aims to ensure consistent loss calculation across circuits.

- **Clarification Concerning Enhanced Penalties for Drug Offenders**

The Commission amended §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking) to clarify that the alternative enhanced base offense levels at §§2D1.1(a)(1)–(a)(4) are based on the offense of conviction, not relevant conduct, and apply only when the defendant was convicted of an offense under 21 U.S.C. § 841(b) or § 960(b) to which the applicable enhanced statutory mandatory minimum term of imprisonment applies or when the parties have stipulated to such an offense or such base offense level.

- **Circuit Conflicts Concerning Firearms Offenses**

The Commission addressed two circuit conflicts by amending §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) and §2K2.4 (Use of Firearm, Armor-Piercing Ammunition, or Explosive During or in Relation to Certain Crimes). The amendment revises the 4-level enhancement at §2K2.1(b)(4)(B) to apply if “any firearm had a serial number that was modified such that the original information is rendered illegible or unrecognizable to the unaided eye.” The amendment also revises Application Note 4 to §2K2.4 to explain the impact on grouping of the non-applicability of certain enhancements by explicitly instructing that “[i]f two or more counts would otherwise group under subsection (c) of §3D1.2 (Groups of Closely Related Counts), the counts are to be grouped together under §3D1.2(c) despite the non-applicability of certain enhancements under Application Note 4(A).”

- **Revisions to §4C1.1**

The Commission promulgated two amendments concerning §4C1.1 (Adjustment for Certain Zero-Point Offenders). One amendment revises the definition of “sex offense” at §4C1.1(b)(2) by striking the phrase “perpetrated against a minor” to ensure that any individual who commits a covered sex offense against any victim, regardless of age, is excluded from receiving the 2-level reduction under §4C1.1. The other amendment makes technical changes to §4C1.1 to divide subsection (a)(10) into two separate provisions (subsections (a)(10) and (a)(11)) to clarify the Commission’s intention that a defendant is ineligible for the adjustment if the defendant meets either of the disqualifying conditions in the provision.

- **Youthful Individuals**

The Commission amended §5H1.1 (Age (Policy Statement)) to emphasize that a downward departure “may be warranted due to the defendant’s youthfulness at the time of the offense or prior offenses,” given that “[c]ertain risk factors may affect a youthful individual’s development into the mid-20’s and contribute to involvement in criminal justice systems, including environment, adverse childhood experiences, substance use, lack of educational opportunities, and familial relationships.” The amendment also suggest that courts “consider whether a form of punishment other than imprisonment might be sufficient to meet the purposes of sentencing” given that “[t]he age-crime curve, one of the most consistent findings in criminology, demonstrates that criminal behavior tends to decrease with age.”

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.

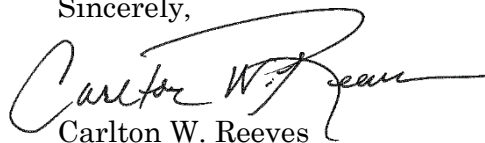
**Appendix B** (containing the principal statutory provisions governing sentencing as of May 1, 2024) is set forth in a separate volume. That volume is also enclosed.

**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, 2024) 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 2024 *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](http://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](http://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](mailto:pubaffairs@ussc.gov).

Sincerely,



Carlton W. Reeves

You can submit a sentencing question to the **USSC Helpline** by completing our online form at [askussctraining.ussc.gov](http://askussctraining.ussc.gov). The USSC Helpline is also accessible by phone at (202) 502-4545. The *Guidelines Manual* and other Commission publications and information are available on the Commission’s website at [www.ussc.gov](http://www.ussc.gov). On the website, for example, you will find the latest **Quick Facts** publications and the **Interactive Data Analyzer (IDA)**.