

U.S. SENTENCING COMMISSION

YEAR IN REVIEW

— Fiscal Year 2003 —

On November 1, 2002, a package of guideline amendments that had been submitted to Congress on May 1, 2002, went into effect. The amendments provided sentencing increases or expanded coverage for a number of offenses, including terrorism and cultural heritage resource offenses. Included in the amendment package were amendments on issues such as drug offenses, money laundering, sex trafficking crimes, and violations of the Foreign Corrupt Practices Act.

Acting under emergency authority granted by Congress in the Sarbanes-Oxley Act of 2002, the Commission on January 8, 2003, voted unanimously to increase penalties significantly for corporate fraud and other serious white collar fraud offenses. The emergency amendments to the sentencing guidelines became effective January 25, 2003.

More than 500 attendees participated in the Twelfth Annual National Seminar on the Federal Sentencing Guidelines. The seminar, co-sponsored by the U.S. Sentencing Commission and the Federal Bar Association, was held May 28-30, 2003, in Miami, Florida.

The PROTECT Act (Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, Pub. L. No. 108-21) was enacted April 30, 2003. Among its many provisions, it directed the Commission to promulgate, within 180 days, guideline amendments that would ensure that the incidence of downward departures is substantially reduced.

The Sentencing Commission on May 1, 2003, sent to Congress a package of amendments to the guidelines that provide sentencing increases or expanded coverage for a number of offenses including white collar frauds, terrorism, cybercrime, oxycodone trafficking, campaign finance offenses, and manslaughter. The amendments became effective November 1, 2003.

On May 27, 2003, President George W. Bush appointed U.S. District Court Judge Ricardo H. Hinojosa of McAllen, Texas, and former Deputy Assistant Attorney General Michael E. Horowitz of Chevy Chase, Maryland, as members of the U.S. Sentencing Commission. Judge Hinojosa has served on the U.S. District Court for the Southern District of Texas since 1983. Mr. Horowitz is currently a partner with the law firm of Cadwalader, Wickersham & Taft in Washington, D.C.

During the fall of 2003, the Ad Hoc Advisory Group on the Organizational Sentencing Guidelines finalized its report to the Sentencing Commission. The report is the culmination of an 18-month process to review the organizational guidelines and to suggest ways in which they may be improved.

In response to the PROTECT Act, the Commission, during 2003, promulgated an amendment prohibiting several grounds for departure and imposing restrictions on the availability of other departures.

In the fall of 2003, the Commission also released its comprehensive report to Congress entitled *Downward Departures from the Sentencing Guidelines*.

In October 2003, the General Accountability Office released *Federal Drug Offenses: Departures from Sentencing Guidelines and Mandatory Minimum Sentences, Fiscal Years 1999-2001*.

During the fall of 2003, the Ad Hoc Native American Advisory Group finalized its report to the Commission. The group had been formed in response to concerns that Native Americans are being sentenced unfairly by the operation of the federal sentencing guidelines under the Major Crimes Act.

President Bush nominated Chief Judge William K. Sessions III (District of Vermont) for reappointment to the Sentencing Commission on September 30, 2003, and the nomination was approved by the full Senate on December 9, 2003.

In 2003, the Commission received documentation on more than 70,000 cases sentenced under the guidelines. The Commission coded and assimilated the information from these sentencing into its comprehensive, computerized data collection system.

The Commission's training staff continued to provide guideline application and sentencing-related training to judges, probation officers, prosecutors, defense attorneys, and others. During 2003, Commission staff trained more than 5,600 individuals at 62 training sessions (including ongoing programs sponsored by the Federal Judicial Center and other agencies).

During the year, the Commission's "HelpLine" provided guideline application assistance to approximately 200 callers each month. The Commission continues to rely on its popular Internet site (www.ussc.gov) as a means of providing information about the agency and its work. The Commission continues to develop its online collection of guideline training materials.

During 2003, Commission staff also received and responded to thousands of information requests from Congress, attorneys, government agencies, researchers, inmates and their families, and the public.