

**Table 31**

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
BY TYPE OF CRIME<sup>1</sup>  
Fiscal Year 2022**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>63,896</b>	<b>26,785</b>	<b>41.9</b>	<b>361</b>	<b>0.6</b>	<b>6,626</b>	<b>10.4</b>	<b>6,623</b>	<b>10.4</b>	<b>2,956</b>	<b>4.6</b>	<b>20,545</b>	<b>32.2</b>
Administration of Justice	651	315	48.4	10	1.5	29	4.5	6	0.9	32	4.9	259	39.8
Antitrust	8	0	0.0	0	0.0	3	37.5	0	0.0	0	0.0	5	62.5
Arson	106	44	41.5	2	1.9	15	14.2	0	0.0	6	5.7	39	36.8
Assault	837	388	46.4	25	3.0	33	3.9	3	0.4	76	9.1	312	37.3
Bribery/Corruption	360	64	17.8	0	0.0	106	29.4	0	0.0	16	4.4	174	48.3
Burglary/Trespass	111	79	71.2	5	4.5	5	4.5	0	0.0	6	5.4	16	14.4
Child Pornography	1,435	489	34.1	10	0.7	28	2.0	3	0.2	68	4.7	837	58.3
Commercialized Vice	73	30	41.1	7	9.6	9	12.3	0	0.0	6	8.2	21	28.8
Drug Possession	265	232	87.5	1	0.4	1	0.4	0	0.0	0	0.0	31	11.7
Drug Trafficking	19,923	5,468	27.4	68	0.3	4,104	20.6	1,638	8.2	973	4.9	7,672	38.5
Environmental	145	70	48.3	0	0.0	17	11.7	1	0.7	5	3.4	52	35.9
Extortion/Racketeering	115	37	32.2	0	0.0	14	12.2	1	0.9	10	8.7	53	46.1
Firearms	9,310	4,753	51.1	73	0.8	482	5.2	9	0.1	350	3.8	3,643	39.1
Food and Drug	38	23	60.5	0	0.0	0	0.0	0	0.0	1	2.6	14	36.8
Forgery/Counter/Copyright	111	52	46.8	1	0.9	12	10.8	0	0.0	4	3.6	42	37.8
Fraud/Theft/Embezzlement	5,488	2,303	42.0	63	1.1	714	13.0	9	0.2	179	3.3	2,220	40.5
Immigration	17,597	9,334	53.0	23	0.1	204	1.2	4,933	28.0	887	5.0	2,216	12.6
Individual Rights	91	38	41.8	0	0.0	15	16.5	0	0.0	5	5.5	33	36.3
Kidnapping	128	43	33.6	0	0.0	24	18.8	0	0.0	7	5.5	54	42.2
Manslaughter	80	33	41.3	10	12.5	1	1.3	0	0.0	4	5.0	32	40.0
Money Laundering	1,191	310	26.0	12	1.0	315	26.4	11	0.9	58	4.9	485	40.7
Murder	410	133	32.4	10	2.4	113	27.6	0	0.0	18	4.4	136	33.2
National Defense	177	71	40.1	0	0.0	27	15.3	4	2.3	16	9.0	59	33.3
Obscenity/Other Sex Offenses	343	165	48.1	4	1.2	0	0.0	0	0.0	12	3.5	162	47.2
Prison Offenses	498	322	64.7	3	0.6	6	1.2	3	0.6	25	5.0	139	27.9
Robbery	1,444	542	37.5	8	0.6	181	12.5	0	0.0	75	5.2	638	44.2
Sexual Abuse	1,499	610	40.7	16	1.1	85	5.7	0	0.0	75	5.0	713	47.6
Stalking/Harassing	263	112	42.6	4	1.5	2	0.8	1	0.4	19	7.2	125	47.5
Tax	496	105	21.2	6	1.2	78	15.7	1	0.2	18	3.6	288	58.1
Other	703	620	88.2	0	0.0	3	0.4	0	0.0	5	0.7	75	10.7

<sup>1</sup> Of the 64,142 cases, 246 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.

Table 32

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**Fiscal Year 2022**

Guideline	Within Guideline			Departure				Variance	Guideline	Within Guideline			Departure				Variance
	Total	Range	Up	§5K1.1	§5K3.1	Down	§5K1.1			§5K3.1	Down	Total	Range	Up	§5K1.1	§5K3.1	
§2A1.1	286	84	1	91	0	14	96	§2D1.8	22	5	0	3	0	1	13		
§2A1.2	80	38	8	4	0	4	26	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	40	17	6	0	0	1	16	§2D1.10	1	0	0	1	0	0	0		
§2A1.4	39	16	3	1	0	3	16	§2D1.11	1	0	0	0	0	0	1		
§2A1.5	27	8	0	8	0	0	11	§2D1.12	3	1	0	0	0	0	2		
§2A2.1	182	63	2	23	0	7	87	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	524	232	22	9	3	61	197	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	68	53	1	0	0	3	11	§2D2.1	129	105	1	1	0	0	22		
§2A2.4	247	134	1	1	2	23	86	§2D2.2	51	41	0	3	0	1	6		
§2A3.1	139	61	1	0	0	19	58	§2D2.3	1	0	0	0	0	0	1		
§2A3.2	45	30	2	0	0	2	11	§2D3.1	1	1	0	0	0	0	0		
§2A3.3	6	2	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	48	29	1	0	0	2	16	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	307	157	3	0	0	12	135	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	120	39	0	23	0	6	52	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	2	2	0	0	0	0	0	§2E1.1	48	16	0	9	0	6	17		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0		
§2A5.2	27	14	0	0	0	1	12	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	9	4	0	0	0	0	5		
§2A6.1	183	79	3	1	0	10	90	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	78	31	1	1	1	9	35	§2E2.1	4	0	0	0	0	2	2		
§2B1.1	5,206	2,086	61	703	7	174	2,175	§2E3.1	39	15	4	3	0	6	11		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	17	1	0	1	0	1	14	§2E4.1	12	1	0	2	0	0	9		
§2B1.5	7	1	0	0	0	1	5	§2E5.1	1	0	0	0	0	0	1		
§2B1.6 <sup>2</sup>	90	81	0	9	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	69	39	5	5	0	6	14	§2E5.3	0	0	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	39	39	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,424	536	8	179	0	75	626	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	23	6	0	3	1	1	12	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	5	1	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	119	15	0	56	0	4	44	§2G1.1	68	26	4	11	0	5	22		
§2B5.1	86	49	1	5	0	4	27	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	475	212	7	42	0	18	196		
§2B5.3	24	3	0	7	0	0	14	§2G2.1	746	265	3	38	0	28	412		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,432	489	10	28	3	68	834		
§2B6.1	3	1	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	213	41	0	45	0	12	115	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	15	2	0	4	0	0	9	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	4	3	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	33	8	1	0	0	0	24		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	63	20	0	12	0	4	27		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	7	2	0	1	0	0	4	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	19,603	5,337	66	4,072	1,634	938	7,556	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	208	102	2	18	0	26	60	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	2	0	2	0	0	0		
§2D1.5	8	1	0	4	0	2	1	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	11	10	0	0	0	0	1		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	9	4	0	1	0	1	3		

Table 32 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Variance		Total	Range	Up	§5K1.1	§5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	118	38	0	14	4	14	48
§2J1.1	0	0	0	0	0	0	0	§2M5.3	19	8	0	5	0	1	5
§2J1.2	111	39	3	7	0	4	58	§2M6.1	0	0	0	0	0	0	0
§2J1.3	13	6	0	1	0	0	6	§2M6.2	0	0	0	0	0	0	0
§2J1.4	8	7	0	0	0	0	1	§2N1.1	14	2	0	0	0	0	12
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	27	15	0	0	0	1	11	§2N1.3	1	0	0	0	0	0	1
§2J1.7	0	0	0	0	0	0	0	§2N2.1	21	19	0	0	0	1	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	280	186	2	2	0	5	85
§2K1.1	1	1	0	0	0	0	0	§2P1.2	143	95	1	4	0	8	35
§2K1.2	0	0	0	0	0	0	0	§2P1.3	2	1	0	0	0	0	1
§2K1.3	6	3	0	1	0	0	2	§2P1.4	0	0	0	0	0	0	0
§2K1.4	103	44	2	14	0	5	38	§2Q1.1	2	0	0	0	0	0	2
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	48	23	0	10	0	3	12
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	4	0	1	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	1	0	0	0	0	0	1
§2K2.1	8,872	4,436	65	454	9	343	3,565	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	69	35	0	6	1	1	26
§2K2.4 <sup>3</sup>	361	284	6	25	0	1	45	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	7	2	0	0	0	3	§2R1.1	8	0	0	3	0	0	5
§2K2.6	1	1	0	0	0	0	0	§2S1.1	1,001	226	1	299	7	46	422
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	185	81	11	16	4	11	62
§2L1.1	4,052	1,559	1	126	1,634	106	626	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,963	6,631	22	34	3,123	747	1,406	§2T1.1	262	54	0	46	0	10	152
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	84	22	0	41	0	0	21	§2T1.3	1	1	0	0	0	0	0
§2L2.2	660	546	0	2	6	23	83	§2T1.4	139	26	0	30	0	3	80
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	69	12	0	2	0	4	51
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	7	2	1	0	0	0	4
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	14	7	5	0	1	0	1
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	0	0	0	0	0	0	0	§2X1.1	15	2	0	0	0	1	12
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	97	27	2	22	0	2	44
§2M3.6	0	0	0	0	0	0	0	§2X4.1	213	99	5	17	4	4	84
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	214	178	0	0	0	0	36
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	0	0	0	0	0	0	0
§2M5.1	17	5	0	7	0	1	4	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>62,036</b>	<b>25,398</b>	<b>358</b>	<b>6,620</b>	<b>6,444</b>	<b>2,907</b>	<b>20,309</b>

<sup>1</sup> Of the 64,142 cases, 2,106 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (246) or missing guideline applied (2,068). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

<sup>3</sup> In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.