

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2023

| Guideline | Total | Within Guideline | | Departure | | | | Variance | Guideline | Total | Within Guideline | | Departure | | | |
|---------------------|--------|---------------------|----|-----------|--------|------|----------|----------|-----------|-------|---------------------|----|-----------|--------|------|----------|
| | | Range | Up | §5K1.1 | §5K3.1 | Down | Variance | | | | Range | Up | §5K1.1 | §5K3.1 | Down | Variance |
| §2A1.1 | 337 | 135 | 3 | 87 | 1 | 15 | 96 | §2D1.8 | 15 | 3 | 0 | 4 | 1 | 3 | 4 | |
| §2A1.2 | 109 | 49 | 10 | 9 | 0 | 2 | 39 | §2D1.9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A1.3 | 43 | 19 | 10 | 0 | 0 | 2 | 12 | §2D1.10 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | |
| §2A1.4 | 42 | 18 | 2 | 0 | 0 | 2 | 20 | §2D1.11 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | |
| §2A1.5 | 23 | 5 | 0 | 5 | 0 | 1 | 12 | §2D1.12 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| §2A2.1 | 201 | 79 | 2 | 22 | 0 | 8 | 90 | §2D1.13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A2.2 | 525 | 226 | 14 | 11 | 1 | 51 | 222 | §2D1.14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A2.3 | 61 | 42 | 1 | 0 | 0 | 4 | 14 | §2D2.1 | 78 | 67 | 1 | 1 | 0 | 0 | 9 | |
| §2A2.4 | 245 | 140 | 3 | 1 | 0 | 16 | 85 | §2D2.2 | 40 | 33 | 0 | 1 | 0 | 0 | 6 | |
| §2A3.1 | 133 | 46 | 3 | 4 | 0 | 15 | 65 | §2D2.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A3.2 | 43 | 21 | 2 | 1 | 0 | 3 | 16 | §2D3.1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| §2A3.3 | 3 | 1 | 0 | 0 | 0 | 0 | 2 | §2D3.2 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | |
| §2A3.4 | 46 | 23 | 2 | 0 | 0 | 1 | 20 | §2D3.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A3.5 | 282 | 147 | 0 | 1 | 0 | 15 | 119 | §2D3.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A4.1 | 141 | 41 | 3 | 41 | 0 | 14 | 42 | §2D3.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A4.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2E1.1 | 47 | 13 | 0 | 7 | 0 | 3 | 24 | |
| §2A5.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2E1.2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| §2A5.2 | 20 | 12 | 0 | 0 | 0 | 0 | 8 | §2E1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A5.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2E1.4 | 6 | 2 | 0 | 0 | 0 | 0 | 4 | |
| §2A6.1 | 162 | 78 | 1 | 1 | 0 | 12 | 70 | §2E1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2A6.2 | 74 | 23 | 3 | 3 | 0 | 8 | 37 | §2E2.1 | 9 | 2 | 0 | 2 | 0 | 0 | 5 | |
| §2B1.1 | 4,896 | 1,818 | 22 | 751 | 3 | 144 | 2,158 | §2E3.1 | 64 | 17 | 3 | 10 | 0 | 8 | 26 | |
| §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 | 13 | 1 | 0 | 1 | 0 | 0 | 11 | §2E4.1 | 11 | 0 | 0 | 5 | 0 | 1 | 5 | |
| §2B1.5 | 12 | 6 | 0 | 1 | 0 | 0 | 5 | §2E5.1 | 9 | 1 | 0 | 0 | 0 | 0 | 8 | |
| §2B1.6 ² | 65 | 61 | 0 | 4 | 0 | 0 | 0 | §2E5.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2B2.1 | 48 | 25 | 2 | 3 | 0 | 1 | 17 | §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 | 33 | 29 | 0 | 0 | 0 | 1 | 3 | §2E5.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2B3.1 | 1,489 | 593 | 14 | 173 | 3 | 50 | 656 | §2E5.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2B3.2 | 31 | 6 | 0 | 2 | 1 | 1 | 21 | §2F1.1 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | |
| §2B3.3 | 10 | 3 | 0 | 0 | 0 | 1 | 6 | §2F1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2B4.1 | 112 | 25 | 0 | 46 | 0 | 3 | 38 | §2G1.1 | 46 | 13 | 2 | 7 | 0 | 2 | 22 | |
| §2B5.1 | 67 | 32 | 0 | 5 | 0 | 3 | 27 | §2G1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2B5.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2G1.3 | 414 | 179 | 3 | 36 | 0 | 13 | 183 | |
| §2B5.3 | 44 | 10 | 0 | 10 | 0 | 1 | 23 | §2G2.1 | 710 | 254 | 6 | 18 | 0 | 40 | 392 | |
| §2B5.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2G2.2 | 1,406 | 482 | 4 | 32 | 2 | 47 | 839 | |
| §2B6.1 | 2 | 1 | 0 | 0 | 0 | 0 | 1 | §2G2.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2C1.1 | 226 | 45 | 0 | 73 | 0 | 9 | 99 | §2G2.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2C1.2 | 12 | 4 | 0 | 2 | 0 | 0 | 6 | §2G2.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2C1.3 | 7 | 7 | 0 | 0 | 0 | 0 | 0 | §2G2.6 | 11 | 3 | 0 | 6 | 0 | 0 | 2 | |
| §2C1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2G3.1 | 41 | 18 | 2 | 0 | 0 | 0 | 21 | |
| §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 | 69 | 16 | 0 | 8 | 0 | 6 | 39 | |
| §2C1.7 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | §2H1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2C1.8 | 7 | 3 | 0 | 2 | 0 | 0 | 2 | §2H1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2D1.1 | 18,635 | 4,915 | 59 | 3,918 | 1,236 | 836 | 7,671 | §2H1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2D1.2 | 276 | 117 | 0 | 17 | 0 | 43 | 99 | §2H1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2D1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H2.1 | 8 | 2 | 0 | 3 | 0 | 0 | 3 | |
| §2D1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H3.1 | 10 | 5 | 0 | 3 | 0 | 0 | 2 | |
| §2D1.5 | 7 | 4 | 0 | 3 | 0 | 0 | 0 | §2H3.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| §2D1.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H3.3 | 6 | 6 | 0 | 0 | 0 | 0 | 0 | |
| §2D1.7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2H4.1 | 16 | 7 | 0 | 2 | 0 | 0 | 7 | |

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 | 168 | 58 | 0 | 19 | 3 | 13 | 75 |
| §2J1.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2M5.3 | 21 | 3 | 0 | 3 | 0 | 0 | 15 |
| §2J1.2 | 163 | 51 | 10 | 8 | 0 | 3 | 91 | §2M6.1 | 3 | 1 | 0 | 0 | 0 | 1 | 1 |
| §2J1.3 | 15 | 4 | 0 | 0 | 0 | 0 | 11 | §2M6.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2J1.4 | 9 | 8 | 0 | 0 | 0 | 0 | 1 | §2N1.1 | 19 | 0 | 0 | 1 | 0 | 1 | 17 |
| §2J1.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2N1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2J1.6 | 31 | 18 | 0 | 0 | 0 | 3 | 10 | §2N1.3 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| §2J1.7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2N2.1 | 25 | 23 | 0 | 0 | 0 | 0 | 2 |
| §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 | 302 | 202 | 2 | 2 | 0 | 10 | 86 |
| §2K1.1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | §2P1.2 | 97 | 49 | 0 | 0 | 0 | 1 | 47 |
| §2K1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2P1.3 | 6 | 3 | 0 | 0 | 0 | 0 | 3 |
| §2K1.3 | 20 | 5 | 0 | 3 | 0 | 0 | 12 | §2P1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2K1.4 | 105 | 48 | 6 | 14 | 0 | 5 | 32 | §2Q1.1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2K1.5 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | §2Q1.2 | 31 | 10 | 0 | 3 | 0 | 1 | 17 |
| §2K1.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2Q1.3 | 9 | 4 | 0 | 1 | 0 | 0 | 4 |
| §2K1.7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2Q1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2K2.1 | 8,388 | 4,129 | 66 | 428 | 13 | 288 | 3,464 | §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 | 79 | 53 | 0 | 6 | 0 | 2 | 18 |
| §2K2.4 ³ | 334 | 269 | 7 | 21 | 0 | 0 | 37 | §2Q2.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2K2.5 | 21 | 11 | 3 | 0 | 0 | 0 | 7 | §2R1.1 | 17 | 3 | 0 | 8 | 0 | 2 | 4 |
| §2K2.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2S1.1 | 1,132 | 240 | 0 | 325 | 18 | 63 | 486 |
| §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 | 171 | 78 | 3 | 17 | 1 | 15 | 57 |
| §2L1.1 | 4,731 | 1,894 | 8 | 150 | 1,920 | 92 | 667 | §2S1.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2L1.2 | 12,867 | 7,885 | 28 | 29 | 2,897 | 460 | 1,568 | §2T1.1 | 237 | 38 | 0 | 21 | 0 | 9 | 169 |
| §2L1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2T1.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2L2.1 | 69 | 29 | 0 | 12 | 1 | 0 | 27 | §2T1.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2L2.2 | 437 | 319 | 2 | 0 | 2 | 9 | 105 | §2T1.4 | 126 | 22 | 0 | 18 | 0 | 3 | 83 |
| §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 | 70 | 11 | 0 | 3 | 0 | 8 | 48 |
| §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 | 3 | 0 | 0 | 1 | 0 | 0 | 2 |
| §2M2.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2T2.1 | 2 | 0 | 0 | 1 | 0 | 0 | 1 |
| §2M2.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2T2.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| §2M2.4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2T3.1 | 7 | 3 | 0 | 0 | 0 | 0 | 4 |
| §2M3.1 | 2 | 2 | 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 | 3 | 2 | 0 | 0 | 0 | 0 | 1 | §2X1.1 | 20 | 11 | 0 | 1 | 0 | 2 | 6 |
| §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 | 82 | 20 | 0 | 17 | 0 | 2 | 43 |
| §2M3.6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | §2X4.1 | 151 | 59 | 1 | 17 | 2 | 5 | 67 |
| §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 | 338 | 186 | 0 | 0 | 0 | 0 | 152 |
| §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 | 14 | 3 | 0 | 6 | 0 | 1 | 4 | §2X7.2 | 4 | 4 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | | | | | | | | | 61,842 | 25,701 | 313 | 6,477 | 6,105 | 2,384 | 20,862 |

¹ Of the 64,124 cases, 2,282 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 (312) or missing guideline applied (2,250). Descriptions of variables used in this table are provided in Appendix A.

² In these cases, the sentenced individual 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.

³ In these cases, the sentenced individual 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.