

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS¹
Post-Booker 2005²

Guideline and SOC	Applied³	Percent⁴
Part A - Offenses Against Person		
§2A1.1 First Degree Murder	202	0.4
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	34	0.1
(a) Base offense level 38	1	2.9
(a) Base offense level 33 ⁵	33	97.1
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	14	0.0
(a) Base offense level 29	5	35.7
(a) Base offense level 25 ⁵	9	64.3
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	29	0.1
(a)(1) Criminally negligent (Base offense level 12)	0	0.0
(a)(2)(A) Reckless conduct (Base offense level 18)	15	51.7
(a)(2)(B) Reckless operation of a means of transportation (Base offense level 22)	5	17.2
(a)(2) Reckless (Base offense level 14) ⁵	8	27.6
§2A1.5 Conspiracy or Solicitation to Commit Murder	33	0.1
(a) Base offense level 33	2	6.1
(a) Base offense level 28 ⁵	31	93.9
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	11	33.3

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¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 72,462 cases the Commission received, 53,674 were sentenced after the United States Supreme Court decision in *United States v Booker and Fan Fan* (decision date: January 12, 2005) during fiscal year 2005. Of the 53,674 cases, 46,252 contained complete guideline information (86.1 percent). It is possible for multiple guideline calculations for each case, and this table represents each guideline calculation for cases in which complete information was received.

² Post-Booker 2005 data represents guideline application from guidelines effective November 1, 2004 unless otherwise specified.

³ This column represents the number of times each guideline or Specific Offense Characteristic is applied.

⁴ The "Percent" column represents, for each guideline, the percent of all guideline calculations in which the specific guideline was involved. For each Specific Offense Characteristic (SOC), the percent represents the percentage that the specific was used in the calculations for the specific guideline.

⁵ Base offense level value was increased on November 1, 2004.

Guideline and SOC	Applied	Percent
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	116	0.2
(a)(1) Offense would have constituted first degree murder (Base offense level 33)	26	22.4
(a)(1) Offense would have constituted first degree murder (Base offense level 28) ⁵	61	52.6
(a)(2) Otherwise (Base offense level 27)	4	3.4
(a)(2) Otherwise (Base offense level 22) ⁵	25	21.6
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	34	29.6
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	10	8.7
(b)(1)(C) Serious bodily injury (2 levels)	25	21.7
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	4	3.5
§2A2.2 Aggravated Assault	310	0.6
(a) Base offense level 14	234	75.5
(a) Base offense level 15 ⁶	74	23.9
(b)(1) More than minimal planning (2 levels)	23	7.4
(b)(2)(A) Firearm discharged (5 levels)	24	7.7
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	180	58.1
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	30	9.7
(b)(3)(C) Permanent or life-threatening injury (7 levels)	11	3.6
(b)(3)(C) Permanent or life-threatening injury (6 levels) ⁷	4	1.3
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (6 levels)	19	6.1
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (5 levels) ⁷	4	1.3
(b)(3)(B) Serious bodily injury (5 levels)	85	27.4
(b)(3)(B) Serious bodily injury (4 levels) ⁷	19	6.1
(b)(3)(D) Between serious and “simple” bodily injury (4 levels)	11	3.6
(b)(3)(D) Between serious and “simple” bodily injury (3 levels) ⁷	7	2.2
(b)(3)(A) “Simple” bodily injury (3 levels)	62	20.0
(b)(3)(A) “Simple” bodily injury (2 levels) ⁷	19	6.1
(b)(4) Assault motivated by payment or offer of money or thing of value (2 levels)	1	0.3
(b)(5) Assault involved violation of a court protection order (2 levels)	1	0.3
(b)(6) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115 (2 levels)	13	4.2

⁶ Base offense level was decreased on November 1, 2004.

⁷ SOC was increased on November 1, 2004.

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Guideline and SOC	Applied	Percent
§2A2.3 Minor Assault	25	0.0
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 7)	8	32.0
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 6) ⁵	14	56.0
(a)(2) Other than the behavior in (a)(1) (Base offense level 4)	2	8.0
(a)(2) Other than the behavior in (a)(1) (Base offense level 3) ⁵	1	4.0
(b)(1)(A) Bodily injury to victim (2 levels)	2	8.0
(b)(1)(B) Substantial bodily injury to victim under age of 16 (4 levels)	6	24.0
§2A2.4 Obstructing or Impeding Officers	121	0.2
(a) Base offense level 10	56	46.3
(a) Base offense level 6 ⁵	65	53.7
(b)(1) Physical contact or dangerous weapon possessed/threatened (3 levels)	80	66.1
(b)(2) Victim sustained bodily injury (2 levels)	20	16.5
§2A3.1 Criminal Sexual Abuse (Rape)	162	0.3
(a) Base offense level 30	20	12.3
(a) Base offense level 27 ⁵	142	87.6
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	70	43.2
(b)(2)(A) Victim under age of 12 (4 levels)	93	57.4
(b)(2)(B) Victim between 12 and 16 (2 levels)	26	16.0
(b)(3)(A) Victim in custody, care or control (2 levels)	67	41.4
(b)(3)(B) Victim in a correctional facility (2 levels)	1	0.6
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	2	1.2
(b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(4)(C) Serious bodily injury (2 levels)	6	3.7
(b)(5) Victim abducted (4 levels)	6	3.7
(b)(6)(A) Misrepresentation to persuade a minor (2 levels)	6	3.7
(b)(6)(B) Use of a computer to persuade a minor (2 levels)	11	6.8

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Guideline and SOC	Applied	Percent
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	145	0.3
(a) Base offense level 18	33	22.8
(a)(1) Violation of Chapter 117 of Title 18 and the commission of a sex act (BOL 24) ⁸	26	17.9
(a)(2) Violation of Chapter 117 of Title 18 and no sex act or sexual contact (BOL 21) ⁸	51	35.2
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 18) ⁸	31	21.4
(a)(2) Other than a violation of Chapter 117 of Title 18 (Base offense level 15) ⁹	4	2.8
(b)(1) Victim in custody, care or control of the defendant (4 levels)	4	2.8
(b)(1) Victim in custody, care or control of the defendant (2 levels) ⁷	20	13.8
(b)(2)(A)&(B) Misrepresentation of identity or undue influence (4 levels)	4	2.8
(b)(2)(A)&(B) Misrepresentation of identity or undue influence (2 levels) ⁷	40	27.6
(b)(3)(A) Use of a computer to persuade the victim to engage in prohibited sexual conduct (2 levels)	57	39.5
(b)(3)(B) Use of a computer to facilitate travel by the victim/participant to engage in prohibited sexual conduct (2 levels) ¹⁰	14	9.6
(b)(4) If subsection (a)(1) applies and (b)(1),(2) and (3) do not apply (6 level decrease) ¹⁰	1	0.9
§2A3.3 Criminal Sexual Abuse of a Ward	6	0.0
(a) Base offense level 12	0	0.0
(a) Base offense level 9 ⁵	6	100.0
(b)(1) Misrepresentation of identity (2 levels)	0	0.0
(b)(2) Use of a computer (2 levels)	0	0.0
§2A3.4 Abuse Sexual Contact	39	0.1
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 20)	0	0.0
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 16)	2	5.1
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 16) ⁵	5	12.8
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 12)	9	23.1
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 12) ⁵	4	10.2
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 10) ⁵	19	48.7
(b)(1) Victim under the age of 12 (4 levels or increase to level 20)	4	10.2
(b)(1) Victim under the age of 12 (4 levels or increase to level 16) ⁷	11	28.2
(b)(2) Victim between 12 and 16 (2 levels)	5	12.8

⁸ Base offense level was eliminated on November 1, 2004.

⁹ Base offense level was increased on November 1, 2001.

¹⁰ SOC was eliminated on November 1, 2004.

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Guideline and SOC	Applied	Percent
§2A3.4 Abuse Sexual Contact (continued)	39	0.1
(b)(3) Victim was in custody, care or control (2 levels)	14	35.9
(b)(4) Misrepresentation of identity (2 levels)	1	2.6
(b)(5) Use of a computer (2 levels)	1	2.6
(b)(6) Violation of Chapter 117 of Title 18 (3 levels) ¹⁰	4	10.2
§2A4.1 Kidnapping, Abduction or Unlawful Restraint	81	0.2
(a) Base offense level 32	54	66.7
(a) Base offense level 24 ¹¹	26	32.1
(b)(1) Ransom demanded or a demand upon the government (6 levels)	29	35.8
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	1	1.2
(b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels)	6	7.4
(b)(2)(C) Serious bodily injury (2 levels)	5	6.2
(b)(3) Dangerous weapon used (2 levels)	34	42.0
(b)(4)(A) Victim not released before 30 days (2 levels)	1	1.2
(b)(4)(B) Victim not release before seven days (1 level)	2	2.5
(b)(4)(C) Victim released before 24 hours (1 level decrease)	18	22.2
(b)(5) Victim sexually exploited (6 levels)	2	2.5
(b)(5) Victim sexually exploited (3 levels) ¹²	1	1.2
(b)(6) Victim was a minor, and in exchange for money, in custody, care or control (3 lev)	0	0.0
(b)(7)(A) Abduction in connection with another crime (increase to applicable g'line)	5	6.2
(b)(7)(B) Abduction in connection with another crime (4 levels)	0	0.0
§2A4.2 Demanding or Receiving Ransom Money	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0

¹¹ Base offense level was increased on November 1, 2003.

¹² SOC was increased on November 1, 2003.

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Guideline and SOC	Applied	Percent
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	8	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	1	12.5
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	2	25.0
(a)(3) If an assault occurred, most analogous BOL from §§ 2A2.1-2A2.4	0	0.0
(a)(4) Other than behavior in (a)(1)-(a)(3) (Base offense level 9)	5	62.5
(b)(1)(i) Subsection (a)(1) or (a)(2) applies, firearm discharged (5 levels)	0	0.0
(b)(1)(ii) Subsection (a)(1) or (a)(2) applies, dangerous weapon otherwise used (4 levels)	0	0.0
(b)(1)(iii) Subsection (a)(1) or (a)(2) applies, weapon brandished/threatened (3 levels)	1	12.5
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A6.1 Threatening or Harassing Communication	137	0.3
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	2	1.5
(a)(1) Conviction other than (a)(1) (Base offense level 12)	135	98.5
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	12	8.8
(b)(2) More than two threats (2 levels)	42	30.7
(b)(3) Violation of a court protection order (2 levels)	4	2.9
(b)(4)(A) Disruption of public, governmental, or business functions (4 levels)	24	17.5
(b)(4)(B) Substantial expenditure of funds to clean or decontaminate (4 levels)	6	4.4
(b)(5) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease) ¹³	20	14.6
§2A6.2 Stalking or Domestic Violence	7	0.0
(b)(1)(A) Violation of court protection order (2 levels)	0	0.0
(b)(1)(B) Bodily injury (2 levels)	1	14.3
(b)(1)(C) Possession , or threatened use of a dangerous weapon (2 levels)	0	0.0
(b)(1)(D) Pattern of activity stalking, threatening, or assaulting same victim (2 levels)	0	0.0
(b)(1)(A)-(D) Violation of more than one of above (4 levels)	5	71.4

¹³ SOC was changed from §2A6.1(b)(4) on November 1, 2002.

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Guideline and SOC	Applied	Percent
Part B - Basic Economic Offenses		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	5,141	10.4
(a)(1) Base offense level 4 ¹⁴	120	2.3
(a)(1) Base offense level 6 ¹⁵	678	13.2
(a)(1) Base offense level 7 (Statutory maximum of 20 years or more)	634	12.3
(a)(2) Otherwise Base offense level 6	3,707	72.1
(b)(1)(A) \$5,000 or less (0 levels)	1,186	23.1
(b)(1)(A) \$100 or less ¹⁶ (0 levels)	7	0.1
(b)(1)(B) Between \$100 and \$1,000 ¹⁶ (1 level)	4	0.1
(b)(1)(B) Between \$5,000 and \$10,000 (2 levels)	358	7.0
(b)(1)(C) Between \$1,000 and \$2,000 ¹⁶ (2 levels)	1	0.0
(b)(1)(C) Between \$10,000 and \$30,000 (4 levels)	934	18.2
(b)(1)(E) Between \$5,000 and \$10,000 ¹⁶ (4 levels)	2	0.0
(b)(1)(F) Between \$10,000 and \$20,000 ¹⁶ (5 levels)	7	0.1
(b)(1)(D) Between \$30,000 and \$70,000 (6 levels)	838	16.3
(b)(1)(G) Between \$20,000 and \$40,000 ¹⁶ (6 levels)	15	0.3
(b)(1)(H) Between \$40,000 and \$70,000 ¹⁶ (7 levels)	13	0.2
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels)	452	8.8
(b)(1)(I) Between \$70,000 and \$120,000 ¹⁶ (8 levels)	12	0.2
(b)(1)(J) Between \$120,000 and \$200,000 ¹⁶ (9 levels)	9	0.2
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels)	350	6.8
(b)(1)(K) Between \$200,000 and \$350,000 ¹⁶ (10 levels)	17	0.3
(b)(1)(L) Between \$350,000 and \$500,000 ¹⁶ (11 levels)	15	0.3
(b)(1)(G) Between \$200,000 and \$400,000 (12 levels)	332	6.4
(b)(1)(M) Between \$500,000 and \$800,000 ¹⁶ (12 levels)	4	0.1
(b)(1)(N) Between \$800,000 and \$1,500,000 ¹⁶ (13 levels)	5	0.1

¹⁴ Base offense level was increased on November 1, 2001.

¹⁵ Base offense level was altered on November 1, 2003.

¹⁶ Dollar amount and offense levels for this SOC changed on November 1, 2001.

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Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,141	10.4
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels)	274	5.3
(b)(1)(O) Between \$1,500,000 and \$2,500,000 ¹⁶ (14 levels)	3	0.1
(b)(1)(P) Between \$2,500,000 and \$5,000,000 ¹⁶ (15 levels)	2	0.0
(b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels)	167	3.2
(b)(1)(Q) Between \$5,000,000 and \$10,000,000 ¹⁶ (16 levels)	1	0.0
(b)(1)(R) Between \$10,000,000 and \$20,000,000 ¹⁶ (17 levels)	1	0.0
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels)	60	1.2
(b)(1)(S) Between \$20,000,000 and \$40,000,000 ¹⁶ (18 levels)	5	0.1
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels)	39	0.8
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels)	9	0.2
(b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels)	5	0.1
(b)(1)(N) Between \$100,00,000 and \$200,000,000 (26 levels)	13	0.2
(b)(1)(O) Between \$200,00,000 and \$400,000,000 (28 levels)	1	0.0
(b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels)	539	10.5
(b)(2)(B) More than 50 victims but less than 250 victims (4 levels)	169	3.3
(b)(2)(B) More than 50 victims ¹⁷ (4 levels)	63	1.2
(b)(2)(C) More than 250 victims (6 levels)	38	0.7
(b)(3) Theft was from another person ¹⁸ (2 levels)	41	0.8
(b)(4) Receiving stolen property as a business (2 levels)	58	1.1
(b)(4)(A) More than minimal planning ¹⁹ (2 levels)	56	1.1
(b)(4)(B) Receiving stolen property as a business ²⁰ (4 levels)	5	0.1
(b)(5) Misappropriation of trade secrets or benefit foreign government ²¹ (2 levels)	1	0.0

¹⁷ Threshold amounts and levels were changed for this SOC on November 1, 2003.

¹⁸ SOC was changed from §2B1.1(b)(2) on November 1, 2001.

¹⁹ SOC was eliminated on November 1, 2001.

²⁰ SOC was changed to §2B1.1(b)(4) on November 1, 2001 and decreased to a two level enhancement at this time.

²¹ SOC was formerly §2B1.1(b)(7) and changed on November 1, 2001. The statistics reflect all instances of the application of this SOC.

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Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,141	10.4
(b)(6) Theft or damage to a national cemetery (2 levels)	0	0.0
(b)(7) Convicted under (A) 18 U.S.C. §1037 and (B) involved e-mail addresses through improper means (2 levels)	6	0.1
(b)(8)(A) Misrepresentation of acting on behalf of charitable, educational, religious or political organization or a government agency (2 levels, if less than 10) ²²	71	1.4
(b)(8)(B) Misrepresentation during bankruptcy proceeding (2 levels, if less than 10) ²²	51	1.0
(b)(8)(C) Violation of any prior judicial/administrative order (2 levels, if less than 10) ²²	51	1.0
(b)(8)(D) Misrepresentation in financial assistance for higher education (2 levels, if less than 10) ²²	0	0.0
(b)(9)(A) Offender relocated to evade law enforcement (2 levels, increase to 12) ²³	103	2.0
(b)(9)(B) Most of scheme committed outside of U.S. (2 levels, increase to 12) ²³	36	0.7
(b)(9)(C) Offense otherwise involved sophisticated means (2 levels, increase to 12) ²³	159	3.1
(b)(10)(A)(i) Possession or use of any device-making equipment (2 levels, increase to 12) ²⁴	206	4.0
(b)(10)(A)(ii) Possession or use of any authentication feature (2 levels, increase to 12) ²⁴	8	0.2
(b)(10)(B)(i) Production/trafficking of any unauthorized access device (2 levels, increase to 12) ²⁴	60	1.2
(b)(10)(B)(ii) Production/trafficking authentication feature (2 levels, increase to 12) ²⁴	5	0.1
(b)(10)(C)(i) Use of means of ID unlawfully to produce/obtain (2 levels, increase to 12) ²⁴	227	4.4
(b)(10)(C)(ii) Possession of five or more means of ID (2 levels, increase to 12) ²⁴	41	0.8
(b)(11) Organized scheme to steal vehicles (two levels) ²⁵	7	0.1
(b)(12)(A) Conscious/reckless risk of death/serious bodily injury (2 levels, increase to 14) ²⁶	38	0.7
(b)(12)(B) Possession of a dangerous weapon (2 levels, increase to 14) ²⁶	9	0.2

²² SOC was formerly §2B1.1(b)(7) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²³ SOC was formerly §2B1.1(b)(8) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁴ SOC was formerly §2B1.1(b)(9) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁵ SOC was formerly §2B1.1(b)(5) and was changed on November 1, 2001. SOC was also §2B1.1(b)(10) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁶ SOC was formerly §2B1.1(b)(11) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

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§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,141	10.4
(b)(13)(A) More than \$1,000,000 derived from financial institution (2 levels) ²⁷	21	0.4
(b)(13)(B) Jeopardized the safety and soundness of financial institution (4 or more lev) ²⁸	13	0.2
(b)(14)(A)(i)(I) Convicted of 18 U.S.C. §1030 and involved computer system (2 levels) ²⁹	6	0.1
(b)(14)(A)(i)(II) Convicted of 18 U.S.C. §1030 and involved attempt to obtain personal information (2 levels) ²⁹	0	0.0
(b)(14)(A)(ii) Convicted of 18 U.S.C. §1830(a)(5)(A)(i) (4 levels) ³⁰	0	0.0
(b)(14)(A)(iii) Convicted of 18 U.S.C. §1380 and substantial disruption of a critical infrastructure (6 levels) ³¹	0	0.0
(b)(14)(B) if (A)(iii) applies and less than level 24, increase to level 24 ³²	0	0.0
(b)(15)(A) Violation of securities law (4 levels, increase to 24) ³³	5	0.1
(b)(15)(B) Violation of commodities law (4 levels, increase to 24) ³³	0	0.0
§2B1.3 Property Damage or Destruction ³⁴	4	0.0
(b)(1) Loss between \$2,000 and \$5,000 (3 levels)	1	25.0
(b)(1) Loss between \$5,000 and \$10,000 (4 levels)	1	25.0
(b)(1) Loss between \$20,000 and \$40,000 (6 levels)	2	50.0
(b)(2) Undelivered mail destroyed (increase to level 6)	0	0.0
(b)(3) More than minimal planning (2 levels)	3	75.0
(b)(4) National cemetery damaged or destroyed (2 levels)	0	0.0

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²⁷ SOC was formerly §2B1.1(b)(12)(A) and was changed on November 1, 2004. SOC was formerly §2B1.1(b)(6)(B) and was changed on November 1, 2001. The statistics reflect all instances of the application of this SOC.

²⁸ SOC was formerly §2B1.1(b)(12)(B) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁹ SOC was formerly §2B1.1(b)(13)(A)(i) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³⁰ SOC was formerly §2B1.1(b)(13)(A)(ii) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³¹ SOC was formerly §2B1.1(b)(13)(A)(iii) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³² SOC was formerly §2B1.1(b)(13)(B) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³³ SOC was formerly §2B1.1(b)(14) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³⁴ Guideline was consolidated with §2B1.1 on November 1, 2001.

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Guideline and SOC	Applied	Percent
§2B1.4 Insider Trading	2	0.0
(b)(1) Loss between \$10,000 and \$30,000 (4 levels)	1	50.0
(b)(1) Loss between \$120,000 and \$200,000 (10 levels)	1	50.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	9	0.0
(b)(1)(A) Loss less than \$2,000 (0 levels)	1	11.1
(b)(1)(A) Loss between \$2,000 and \$5,000 (1 level)	2	22.2
(b)(1)(B) Loss between \$5,000 and \$10,000 (2 levels)	4	44.4
(b)(1)(B) Loss between \$20,000 and \$40,000 (6 levels)	2	22.2
(b)(2)(A) Offense involved national park system (2 levels)	5	55.6
(b)(2)(B) Offense involved National Historical Landmark (2 levels)	0	0.0
(b)(2)(C) Offense involved national monument or national memorial (2 levels)	0	0.0
(b)(2)(D) Offense involved a national marine sanctuary (2 levels)	0	0.0
(b)(2)(E) Offense involved a national cemetery (2 levels)	0	0.0
(b)(2)(F) Offense involved a museum (2 levels)	1	11.1
(b)(2)(G) Offense involved the World Heritage List (2 levels)	0	0.0
(b)(3)(A) Offense involved human remains (2 levels)	1	11.1
(b)(3)(B) Offense involved a funerary object (2 levels)	0	0.0
(b)(3)(C) Offense involved cultural patrimony (2 levels)	0	0.0
(b)(3)(D) Offense involved a sacred object (2 levels)	0	0.0
(b)(3)(E) Offense involved cultural property (2 levels)	2	22.2
(b)(3)(F) Offense involved designated archaeological or ethnological material (2 levels)	1	11.1
(b)(3)(G) Offense involved a pre-Columbian monumental/architectural mural (2 levels)	0	0.0
(b)(4) Committed for pecuniary gain (2 levels)	4	44.4
(b)(5) Pattern of misconduct involving cultural heritage resources (2 levels)	0	0.0
(b)(6) Dangerous weapon brandished/threatened (2 levels or increase to level 14)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2B2.1 Burglary of a Residence	65	0.1
(a)(1) Burglary of a residence (Base offense level 17)	16	24.6
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	49	75.4
(b)(1) More than minimal planning (2 levels)	25	38.5
(b)(2)(B) Between \$2,500 and \$10,000 loss (one level)	14	21.5
(b)(2)(C) Between \$10,000 and \$50,000 loss (2 levels)	10	15.4
(b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels)	3	4.6
(b)(2)(E) Between \$250,000 and \$800,000 (4 levels)	1	1.5
(b)(2)(F) Between \$800,000 and \$1,500,000 (5 levels)	0	0.0
(b)(2)(G) Between \$1,500,000 and \$2,500,000 (6 levels)	0	0.0
(b)(2)(H) Between \$2,500,000 and \$5,000,000 (7 levels)	0	0.0
(b)(2)(I) More than \$5,000,000 (8 levels)	0	0.0
(b)(3) Firearm, destructive device or controlled substance taken (one level)	16	24.6
(b)(4) Dangerous weapon possessed (2 levels)	3	4.6
§2B2.3 Trespass	2	0.0
(b)(1)(A) Occurred at a secured government facility (2 levels)	1	50.0
(b)(1)(B) Occurred at a nuclear energy facility (2 levels)	0	0.0
(b)(1)(C) Occurred on a vessel or aircraft of the United States (2 levels)	0	0.0
(b)(1)(D) Occurred in a secured area of an airport (2 levels)	0	0.0
(b)(1)(E) Occurred at a residence (2 levels)	0	0.0
(b)(1)(F) Occurred on a computer system used to (i) maintain/operate infrastructure or (ii) by or for a government entity in the administration of justice/national defense/ national security (2 levels)	0	0.0
(b)(2) Dangerous weapon possessed (2 levels)	0	0.0
(b)(3)(A)(B)(i) Invasion of a computer, loss between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(3) Invasion of a computer, loss according to §2B1.1 loss table (between 2 and 26 lev)	0	0.0
§2B3.1 Robbery	2,816	5.7
(b)(1) Financial institution or post offense subject of offense (2 levels)	1,984	70.4
(b)(2)(A) Firearm discharged (7 levels)	38	1.4
(b)(2)(B) Firearm otherwise used (6 levels)	76	2.7
(b)(2)(C) Firearm brandished or possessed (5 levels)	468	16.6
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	68	2.4
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	326	11.6

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2B3.1 Robbery (continued)	2,816	5.7
(b)(2)(F) Threat of death (2 levels)	561	19.9
(b)(3)(A) Bodily injury occurred (2 levels)	133	4.7
(b)(3)(B) Serious bodily injury (4 levels)	41	1.5
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	13	0.5
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	11	0.4
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	5	0.2
(b)(4)(A) Person abducted during offense (4 levels)	109	3.9
(b)(4)(B) Person physically restrained during offense (2 levels)	215	7.6
(b)(5) Offense involved carjacking (2 levels)	136	4.8
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense (one level)	172	6.1
(b)(7)(B) Loss between \$10,000 and \$50,000 (one level)	415	14.8
(b)(7)(C) Loss between \$50,000 and \$250,000 (2 levels)	137	4.9
(b)(7)(D) Loss between \$250,000 and \$800,000 (3 levels)	40	1.4
(b)(7)(E) Loss between \$800,000 and \$1,500,000 (4 levels)	9	0.3
(b)(7)(F) Loss between \$1,500,000 and \$2,500,000 (5 levels)	7	0.2
(b)(7)(G) Loss between \$2,500,000 and \$5,000,000 (6 levels)	0	0.0
(b)(7)(H) Loss more than \$5,000,000 (7 levels)	3	0.1
§2B3.2 Extortion by Force	70	0.1
(b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels)	48	68.6
(b)(2) Amount demanded between \$10,000 and \$50,000 (one level)	15	21.4
(b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels)	10	14.3
(b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels)	3	4.3
(b)(2) Amount demanded between \$800,000 and \$1,500,000 (4 levels)	3	4.3
(b)(2) Amount demanded between \$1,500,000 and \$2,500,000 (5 levels)	1	1.4
(b)(2) Amount demanded between \$2,500,000 and \$5,000,000 (6 levels)	0	0.0
(b)(2) Amount demanded more than \$5,000,000 (7 levels)	4	5.7
(b)(3)(A)(i) Firearm discharged (7 levels)	0	0.0
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	1	1.4
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	0	0.0
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

Post-Booker 2005

Guideline and SOC	Applied	Percent
§2B3.2 Extortion by Force (continued)	70	0.1
(b)(3)(A)(v) Dangerous weapon brandished or possessed (3 levels)	0	0.0
(b)(3)(B)(i)(I) Offense involved preparation to carry out threat of death (3 levels)	3	4.3
(b)(3)(B)(i)(II) Offense involved preparation to carry out threat of serious bodily injury (3 levels)	1	1.4
(b)(3)(B)(i)(III) Offense involved preparation to carry out threat of kidnaping (3 levels)	1	1.4
(b)(3)(B)(i)(IV) Offense involved preparation to carry out threat of product tampering (3 levels)	0	0.0
(b)(3)(B)(i)(V) Offense involved preparation to carry out threat of damage to a computer system used on maintain critical infrastructure (3 levels)	0	0.0
(b)(3)(B)(ii) Offender demonstrated ability to carry out a threat described in (i)(I) through (i)(V)(3 levels)	2	2.9
(b)(4)(A) Bodily injury (2 levels)	8	11.4
(b)(4)(B) Serious bodily injury (4 levels)	0	0.0
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	1	1.4
(b)(4)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(4)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	0	0.0
(b)(5)(A) Person abducted to facilitate offense or escape (4 levels)	4	5.7
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	0	0.0
§2B3.3 Blackmail and other forms of Extortion	51	0.1
(b)(1)(A) Amount demanded between \$2,000 and \$5,000 (one level)	9	17.6
(b)(1)(B) Amount demanded between \$5,000 and \$10,000 (2 levels)	4	7.8
(b)(1)(B) Amount demanded between \$10,000 and \$30,000 (4 levels)	6	11.8
(b)(1)(B) Amount demanded between \$120,000 and \$200,000 (10 levels)	3	5.9
(b)(1)(B) Amount demanded between \$200,000 and \$400,000 (12 levels)	3	5.9
(b)(1)(B) Amount demanded between \$400,000 and \$1,000,000 (14 levels)	1	2.0
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	49	0.1
(b)(1) Bribe between \$2,000 and \$5,000 (one level)	5	10.2
(b)(1) Bribe between \$5,000 and \$10,000 (2 levels)	8	16.3
(b)(1) Bribe between \$10,000 and \$20,000 ³⁵ (3 levels)	2	4.1
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	2	4.1
(b)(1) Bribe between \$20,000 and \$40,000 ³⁵ (4 levels)	2	4.1

³⁵ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery (cont)	49	0.1
(b)(1) Bribe between \$40,000 and \$70,000 ³⁵ (5 levels)	3	6.1
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	4	8.2
(b)(1) Bribe between \$70,000 and \$120,000 ³⁵ (6 levels)	10	20.4
(b)(1) Bribe between \$120,000 and \$200,000 ³⁵ (7 levels)	2	4.1
(b)(1) Bribe between \$70,000 and \$120,000 (8 levels)	2	4.1
(b)(1) Bribe between \$200,000 and \$350,000 ³⁵ (8 levels)	1	2.0
(b)(1) Bribe between \$120,000 and \$200,000 (10 levels)	1	2.0
(b)(1) Bribe between \$500,000 and \$800,000 ³⁵ (10 levels)	2	4.1
(b)(1) Bribe between \$800,000 and \$1,500,000 ³⁵ (11 levels)	1	2.0
(b)(1) Bribe between \$400,000 and \$1,000,000 (14 levels)	1	2.0
(b)(1) Bribe between \$2,500,000 and \$7,000,000 (18 levels)	2	4.1
(b)(2)(A) Offender derived more than \$1,000,000 from financial institution (2 levels)	0	0.0
(b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels or level 24)	1	2.0
§2B5.1 Offenses involving Counterfeit Bearer Obligations	389	0.8
(b)(1) Items valued between \$2,000 and \$5,000 (one level)	72	18.5
(b)(1) Items valued between \$5,000 and \$10,000 (2 levels)	45	11.6
(b)(1) Items valued between \$10,000 and \$30,000 (4 levels)	42	10.8
(b)(1) Items valued between \$30,000 and \$70,000 (6 levels)	20	5.1
(b)(1) Items valued between \$70,000 and \$120,000 (8 levels)	7	1.8
(b)(1) Items valued between \$120,000 and \$200,000 (10 levels)	3	0.8
(b)(1) Items valued between \$800,000 and \$1,500,000 ³⁵ (11 levels)	1	0.3
(b)(1) Items valued between \$200,000 and \$400,000 (12 levels)	3	0.8
(b)(2)(A) Offender manufactured/produced any actual counterfeit material (2 levels)	158	40.6
(b)(2)(B)(i) Offender controlled/possessed counterfeiting paper similar to distinctive paper (2 levels)	3	0.8
(b)(2)(B)(ii) Offender controlled/possessed a device identical to a distinctive counterfeit deterrent (2 levels)	7	1.8
(b)(2) Offender manufactured/produced counterfeit material ³⁶ (increase to level 15)	3	0.8
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to 15	125	32.1
(b)(4) Dangerous weapon possessed (2 levels, if less than 13 increase to 13)	13	3.3
(b)(5) Offense committed outside of United States (2 levels)	9	2.3

³⁶ Enhancement level changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2B5.3 Criminal Infringement of Copyright or Trademark	109	0.2
(a)(1) Base offense level 8	101	92.7
(a)(1) Base offense level 6 ³⁷	8	7.3
(b)(1) Infringement amount between \$2,000 and \$5,000 (one level)	7	6.4
(b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels)	14	12.8
(b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels)	17	15.6
(b)(1) Infringement amount between \$20,000 and \$40,000 ³⁵ (4 levels)	1	0.9
(b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels)	22	20.2
(b)(1) Infringement amount between \$70,000 and \$120,000 ³⁵ (6 levels)	1	0.9
(b)(1) Infringement amount between \$120,000 and \$200,000 ³⁵ (7 levels)	2	1.8
(b)(1) Infringement amount between \$70,000 and \$120,000 (8 levels)	6	5.5
(b)(1) Infringement amount between \$200,000 and \$350,000 ³⁵ (8 levels)	1	0.9
(b)(1) Infringement amount between \$350,000 and \$500,000 ³⁵ (9 levels)	1	0.9
(b)(1) Infringement amount between \$500,000 and \$850,000 ³⁵ (10 levels)	2	1.8
(b)(1) Infringement amount between \$800,000 and \$1,500,000 ³⁵ (11 levels)	1	0.9
(b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels)	7	6.4
(b)(1) Infringement amount between \$2,500,000 and \$5,000,000 ³⁵ (13 levels)	1	0.9
(b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels)	5	4.6
(b)(1) Infringement amount between \$5,000,000 and \$10,000,000 ³⁵ (14 levels)	2	1.8
(b)(1) Infringement amount between \$1,000,000 and \$2,500,000 (16 levels)	7	6.4
(b)(1) Infringement amount between \$2,500,000 and \$7,000,000 (18 levels)	4	3.7
(b)(1) Infringement amount between \$7,000,000 and \$20,000,000 (20 levels)	2	1.8
(b)(2) Manufacturing/importation/uploading infringed items (2 levels or increase to 12)	59	54.1
(b)(3) Committed for commercial advantage or private gain (2 level decrease)	4	3.7
(b)(4)(A) Conscious/reckless risk of serious bodily injury (2 levels, increase to 13)	2	1.8
(b)(4)(B) Possession of a dangerous weapon (2 levels, increase to 13)	2	1.8

³⁷ Base offense was increased on November 1, 1999.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	11	0.0
(b)(1) Retail value between \$10,000 and \$30,000 (4 levels)	1	9.1
(b)(1) Retail value between \$70,000 and \$120,000 ³⁵ (6 levels)	1	9.1
(b)(1) Retail value between \$120,000 and \$200,000 ³⁵ (7 levels)	1	9.1
(b)(1) Retail value between \$200,000 and \$350,000 ³⁵ (8 levels)	2	18.2
(b)(1) Retail value between \$120,000 and \$200,000 (10 levels)	1	9.1
(b)(1) Retail value between \$500,000 and \$800,000 ³⁵ (10 levels)	2	18.2
(b)(1) Retail value between \$200,000 and \$400,000 (12 levels)	2	18.2
(b)(1) Retail value between \$1,000,000 and \$2,500,000 (16 levels)	1	9.1
(b)(2) Offender in the business of receiving and selling stolen property (2 levels)	6	54.6
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part C - Offenses Involving Public Officials		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	178	0.4
(a)(1) If the defendant was a public official (Base offense level 14)	15	8.4
(a)(2) Otherwise (Base offense level 12)	11	6.2
(a) Base offense 10 ³⁸	152	85.4
(b)(1) Offense involved more than one bribe or extortion (2 levels)	118	66.3
(b)(2)(A) Value of payment or loss between \$2,000 and \$5,000 ³⁹ (one level)	6	3.4
(b)(2)(A) Value of payment or loss between \$5,000 and \$10,000 (2 levels)	12	6.7
(b)(2)(A) Value of payment or loss between \$10,000 and \$20,000 ³⁹ (3 levels)	2	1.1
(b)(2)(A) Value of payment or loss between \$10,000 and \$30,000 (4 levels)	15	8.4
(b)(2)(A) Value of payment or loss between \$20,000 and \$40,000 ³⁹ (4 levels)	1	0.6
(b)(2)(A) Value of payment or loss between \$40,000 and \$70,000 ³⁹ (5 levels)	3	1.7
(b)(2)(A) Value of payment or loss between \$30,000 and \$70,000 (6 levels)	11	6.2
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 ³⁹ (6 levels)	1	0.6
(b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 ³⁹ (7 levels)	2	1.1
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 (8 levels)	34	19.1
(b)(2)(A) Value of payment or loss between \$200,000 and \$350,000 ³⁹ (8 levels)	17	9.6
(b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 (10 levels)	9	5.1
(b)(2)(A) Value of payment or loss between \$800,000 and \$1,500,000 ³⁹ (11 levels)	4	2.2
(b)(2)(A) Value of payment or loss between \$200,000 and \$400,000 (12 levels)	13	7.3
(b)(2)(A) Value of payment or loss between \$400,000 and \$1,000,000 (14 levels)	12	6.7
(b)(2)(A) Value of payment or loss between \$10,000,000 and \$20,000,000 ³⁹ (15 levels)	1	0.6
(b)(2)(A) Value of payment or loss between \$1,000,000 and \$2,500,000 (16 levels)	6	3.4
(b)(2)(A) Value of payment or loss between \$2,500,000 and \$7,000,000 (18 levels)	1	0.6
(b)(2)(B) Payment used to influence elected official (8 levels)	0	0.0

³⁸ Base offense level was changed November 1, 2004.

³⁹ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe (continued)	178	0.4
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	15	8.4
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's)	2	1.1
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's)	0	0.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's)	0	0.0
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	16	0.0
(a)(2) Defendant was a public official (Base offense level 11)	0	0.0
(a)(2) Otherwise (Base offense level 9)	0	0.0
(a) Base offense level 7 ³⁸	16	100.0
(b)(1) More than one gratuity (2 levels)	12	75.0
(b)(2)(A) Gratuity between \$2,000 and \$5,000 ³⁹ (one level)	5	31.2
(b)(2)(A) Gratuity between \$10,000 and \$30,000 (4 levels)	3	18.8
(b)(2)(A) Gratuity between \$30,000 and \$70,000 (6 levels)	1	6.2
(b)(2)(A) Gratuity between \$70,000 and \$120,000 (8 levels)	2	12.5
(b)(2)(A) Gratuity between \$400,000 and \$1,000,000 (14 levels)	1	6.2
(b)(2)(B) Payment given to elected official (8 levels)	0	0.0
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	0	0.0
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's)	0	0.0
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's)	0	0.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	5	0.0
(b)(1) Actual or planned harm to the government (4 levels)	1	20.0
§2C1.4 Payment or Receipt of Unauthorized Compensation ⁴⁰	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2C1.5 Payments to Obtain Public Office	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁴⁰ Guideline eliminated and consolidated with §2C1.3 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials ⁴¹	30	0.1
(b)(1)(A) Loss between \$2,000 and \$5,000 ³⁹ (one level)	2	6.7
(b)(1)(A) Loss between \$5,000 and \$10,000 (2 levels)	2	6.7
(b)(1)(A) Loss between \$10,000 and \$30,000 (4 levels)	3	10.0
(b)(1)(A) Loss between \$40,000 and \$70,000 ³⁹ (5 levels)	3	10.0
(b)(1)(A) Loss between \$70,000 and \$120,000 ³⁹ (6 levels)	2	6.7
(b)(1)(A) Loss between \$70,000 and \$120,000 (8 levels)	2	6.7
(b)(1)(A) Loss between \$200,000 and \$350,000 ³⁹ (8 levels)	4	13.3
(b)(1)(A) Loss between \$350,000 and \$500,000 ³⁹ (9 levels)	2	6.7
(b)(1)(A) Loss between \$120,000 and \$200,000 (10 levels)	1	3.3
(b)(1)(A) Loss between \$8,00,000 and \$1,50,000 ³⁹ (11 levels)	1	3.3
(b)(1)(A) Loss between \$200,000 and \$400,000 (12 levels)	1	3.3
(b)(1)(A) Loss between \$400,000 and \$1,000,000 (14 levels)	1	3.3
(b)(1)(A) Loss between \$1,000,000 and \$2,500,000 (16 levels)	1	3.3
(b)(1)(A) Loss between \$20,00,000 and \$40,000,000 ³⁹ (16 levels)	2	6.7
(b)(1)(A) Loss between \$20,000,000 and \$50,000,000 (22 levels)	1	3.3
(b)(1)(B) Offense involved an elected official (8 levels)	1	3.3
§2C1.8 Making/Receiving/Failure to report a Contribution in Violation of the Federal Election Campaign Act	0	0.0
(b)(1) Loss amount	0	0.0
(b)(2)(A) Offense involved an illegal transaction made/received by/from a foreign national (2 levels)	0	0.0
(b)(2)(B) Offense involved an illegal transaction made/received by/from a government of a foreign country (4 levels)	0	0.0
(b)(3)(A) Offense involved contribution/donation/receipt of government funds (2 levels)	0	0.0
(b)(3)(B) Defendant committed the offense for the purpose of receiving non-monetary Federal benefit (2 levels)	0	0.0
(b)(4) Defendant engaged in 30 or more transactions (2 levels)	0	0.0
(b)(5) Offense involved contribution/donation made/obtained through intimidation/coercion (4 levels)	0	0.0

⁴¹ Guideline eliminated and consolidated with §2C1.1 on November 1, 2004.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part D - Offenses Involving Drugs		
§2D1.1 Drug Trafficking	17,027	34.4
(a)(1) Base offense level 43	2	0.0
(a)(2) or (a)(3) Base offense level 38	1,053	6.2
(a)(3) Base offense level 36	841	4.9
(a)(3) or (a)(3)(B)(iii) Base offense level 34	1,797	10.6
(a)(3)(B)(ii) Base offense level 33	36	0.2
(a)(3) Base offense level 32	2,814	16.4
(a)(3)(B)(ii) Base offense level 31	91	0.5
(a)(3) or (a)(3)(B)(i) Base offense level 30	1,874	11.0
(a)(3) Base offense level 28	1,383	8.1
(a)(3) Base offense level 26	3,256	19.1
(a)(3) Base offense level 24	509	3.0
(a)(3) Base offense level 22	473	2.8
(a)(3) Base offense level 20	757	4.4
(a)(3) Base offense level 18	978	5.7
(a)(3) Base offense level 16	437	2.6
(a)(3) Base offense level 14	233	1.4
(a)(3) Base offense level 12	315	1.8
(a)(3) Base offense level 10	49	0.3
(a)(3) Base offense level 8	46	0.3
(a)(3) Base offense level 6	79	0.5
(b)(1) Dangerous weapon possessed (two levels)	1,919	11.3
(b)(2)(A) Aircraft used to import or export the controlled substance (2 levels or level 26)	32	0.2
(b)(2)(B) Offender acted as pilot or any operation officer (2 levels or level 26)	27	0.2
(b)(3) Distribution in a prison (2 levels)	46	0.3
(b)(4) Importation of methamphetamine from unlawfully imported material (2 levels)	57	0.3
(b)(5) Defendant distributed through mass marketing (2 levels)	16	0.1

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2D1.1 Drug Trafficking (continued)	17,027	34.4
(b)(6)(A)(i) Unlawful discharge of hazardous waste into the environment (2 levels) ⁴²	57	0.3
(b)(6)(A)(ii) Unlawful transportation of hazardous waste (2 levels) ⁴²	14	0.1
(b)(6)(B) Manufacturing of meth creating substantial risk (3 levels or level 27) ⁴²	111	0.6
(b)(6)(C) Manufacturing of meth creating substantial risk to minor (6 levels or level 30) ⁴²	67	0.4
(b)(7) Safety Valve (2 level decrease) ⁴³	6,005	35.3
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	241	0.5
(a)(2) Base offense level 47	1	0.4
(a)(2) Base offense level 43	1	0.4
(a)(1) Base offense level 42	13	5.4
(a)(2) Base offense level 41	3	1.2
(a)(1) Base offense level 40	14	5.8
(a)(2) Base offense level 39	9	3.7
(a)(1) Base offense level 38	9	3.7
(a)(2) Base offense level 37	5	2.1
(a)(1) Base offense level 36	12	5.0
(a)(2) Base offense level 35	11	4.6
(a)(1) Base offense level 34	17	7.0
(a)(2) Base offense level 33	16	6.6
(a)(1) Base offense level 32	7	2.9
(a)(2) Base offense level 31	7	2.9
(a)(1) Base offense level 30	9	3.7
(a)(2) Base offense level 29	7	2.9
(a)(1) Base offense level 28	27	11.2
(a)(2) Base offense level 27	3	1.2
(a)(1) or (a)(3) Base offense level 26	13	5.4

⁴² SOC was changed from §2D1.1(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁴³ SOC was changed from §2D1.1(b)(4) on November 1, 1996, and from §2D1.1(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals (cont)	241	0.5
(a)(2) Base offense level 25	5	2.1
(a)(1) Base offense level 24	4	1.7
(a)(2) Base offense level 23	1	0.4
(a)(1) Base offense level 22	6	2.5
(a)(1) Base offense level 20	11	4.6
(a)(1) Base offense level 18	11	4.6
(a)(1) Base offense level 16	12	5.0
(a)(1) Base offense level 14	3	1.2
(a)(2) or (a)(4) Base offense level 13	4	1.7
No Specific Characteristics for this guideline	NA	NA
§2D1.5 Continuing Criminal Enterprise	14	0.0
(a)(1) Base offense level 44	1	7.1
(a)(1) Base offense level 42	6	42.9
(a)(1) Base offense level 40	2	14.3
(a)(1) or (a)(2) Base offense level 38	5	35.7
No Specific Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2D1.6 Use of Communication Facility in Committing Drug Offense	23	0.0
(a)(1) Base offense level 38	2	8.7
(a)(1) Base offense level 36	1	4.4
(a)(1) Base offense level 34	1	4.4
(a)(1) Base offense level 32	1	4.4
(a)(1) Base offense level 30	3	13.0
(a)(1) Base offense level 28	1	4.4
(a)(1) Base offense level 26	4	17.4
(a)(1) Base offense level 24	1	4.4
(a)(1) Base offense level 20	1	4.4
(a)(1) Base offense level 18	1	4.4
(a)(1) Base offense level 16	1	4.4
(a)(1) Base offense level 14	1	4.4
(a)(1) Base offense level 12	2	8.7
(a)(1) Base offense level 10	1	4.4
(a)(1) Base offense level 6	1	4.4
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	11	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.8 Renting or Managing a Drug Establishment	42	0.1
(a)(1) Base offense level 38	1	2.4
(a)(1) Base offense level 36	1	2.4
(a)(1) or (a)(2) Base offense level 26	10	23.8
(a)(1) or (a)(2) Base offense level 24	5	11.9
(a)(1) or (a)(2) Base offense level 22	4	9.5
(a)(1) or (a)(2) Base offense level 20	4	9.5
(a)(1) or (a)(2) Base offense level 16	5	11.9
(a)(1) or (a)(2) Base offense level 14	1	2.4
(a)(1) or (a)(2) Base offense level 12	5	11.9

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2D1.8 Renting or Managing a Drug Establishment (continued)	42	0.1
(a)(1) Base offense level 10	3	7.1
(a)(1) Base offense level 8	1	2.4
(a)(1) Base offense level 4	1	2.4
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	18	0.0
(a)(1) Base offense level 37	1	5.6
(a)(1) Base offense level 35	4	22.2
(a)(1) Base offense level 31	2	11.1
(a)(1) Base offense level 29	6	33.3
(a)(1) Base offense level 23	2	11.1
(a)(2) Base offense level 20	2	11.1
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels)	12	66.7
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels)	4	22.2
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	128	0.3
(a)(1) Base offense level 38	21	16.4
(a)(1) Base offense level 36	2	1.6
(a)(1) Base offense level 34	6	4.7
(a)(1) Base offense level 32	14	10.9
(a)(1) Base offense level 30	15	11.7
(a)(1) Base offense level 28	23	18.0
(a)(1) Base offense level 26	35	27.3
(a)(1) Base offense level 24	4	3.1
(a)(1) Base offense level 22	1	0.8
(a)(1) Base offense level 20	4	3.1
(a)(1) Base offense level 16	2	1.6

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2D1.11 Unlawfully Distributing, Importing, Exporting, or Possessing a Listed Chemical (cont)	128	0.3
(a)(1) Base offense level 12	1	0.8
(b)(1) Dangerous weapon possessed (2 levels)	16	12.5
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	11	8.6
(b)(3)(A) Unlawful discharge/emission/release into environment of hazardous substance (2 levels)	3	2.3
(b)(3)(B) Unlawful transportation of hazardous substance (2 levels)	1	0.8
(b)(4) Defendant distributed through mass marketing (2 levels)	0	0.0
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	25	0.0
(a)(1) Offender intended to manufacture a controlled substance (Base Offense Level 12)	21	84.0
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	4	16.0
(b)(1)(A) Offender intended to manufacture methamphetamine (2 levels)	15	60.0
(b)(1)(B) Offender knew material was used to manufacture methamphetamine (2 levels)	10	40.0
(b)(2)(A) Offense involved discharge of a hazardous substance (2 levels)	4	16.0
(b)(2)(B) Unlawful transportation of a hazardous substance (2 levels)	2	8.0
(b)(3) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(4) Offense involved stealing or transporting stolen anhydrous ammonia (6 levels)	3	12.0
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.1 Unlawful Possession	281	0.6
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	76	27.0
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	40	14.2
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	165	58.7
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	39	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.1 Regulatory Offenses Involving Registration Numbers	3	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part E - Offenses Involving Criminal Enterprises and Racketeering		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	31	0.1
(a)(1) Base offense level 19	23	74.2
(a)(2) Offense level from applicable underlying racketeering offense	8	25.8
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	12	0.0
(a)(1) Base offense level 6	5	41.7
(a)(2) Base offense level applicable to underlying crime of violence	7	58.3
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.3 Violent Crimes in Aid of Racketeering Activity	0	0.0
(a)(1) Base offense level 12	0	0.0
(a)(2) Base offense level applicable to the underlying crime or racketeering activity	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	14	0.0
(a)(1) Base offense level 32	14	100.0
(a)(2) Base offense level applicable to the underlying unlawful conduct	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E2.1 Making or Financing an Extortionate Extension of Credit	43	0.1
(b)(1)(A) Firearm discharged (5 levels)	0	0.0
(b)(1)(B) Dangerous weapon otherwise used (4 levels)	7	16.3
(b)(1)(C) Dangerous weapon brandished or possessed (3 levels)	2	4.6
(b)(2)(A) Bodily injury (2 levels)	4	9.3
(b)(2)(B) Serious bodily injury (4 level)	1	2.3
(b)(2)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(2)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(2)(E) Between serious bodily injury and permanent/life-threatening injury (5 levels)	0	0.0
(b)(3)(A) Person abducted to facilitate commission of the offense (4 levels)	2	4.6
(b)(3)(B) Person physically restrained to facilitate commission (2 levels)	7	16.3
§2E3.1 Gambling Offenses	86	0.2
(a)(1) Offense involved a gambling business (Base offense level 12)	86	100.0
(a)(2) Base offense level 6	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	22	0.0
(a)(1) Base offense level 9	3	13.6
(a)(2) Loss between \$12,500 and \$30,000 (Base offense level 12)	1	4.6
(a)(2) Loss between \$40,000 and \$70,000 ⁴⁴ (Base offense level 13)	1	4.6
(a)(2) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	4.6
(a)(2) Loss between \$70,000 and \$120,000 ⁴⁴ (Base offense level 14)	1	4.6
(a)(2) Loss between \$120,000 and \$200,000 ⁴⁴ (Base offense level 15)	2	9.1
(a)(2) Loss between \$80,000 and \$200,000 (Base offense level 16)	3	13.6
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	4	18.2
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	3	13.6
(a)(2) Loss between \$10,000,000 and \$20,000,000 ⁴⁴ (Base offense level 23)	1	4.6
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	2	9.1
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	13	0.0
(a)(1) Bribe involved (Base offense level 10)	4	30.8
(a)(2) Gratuity involved (Base offense level 6)	9	69.2
(b)(1) Offender was a fiduciary of the benefit plan or labor organization (2 levels)	9	69.2
(b)(2)(B) Value of prohibited payment between \$10,000 and \$20,000 ⁴⁵ (3 levels)	2	15.4
(b)(2)(B) Value of prohibited payment between \$10,000 and \$30,000 (4 levels)	1	7.7
(b)(2)(B) Value of prohibited payment between \$30,000 and \$70,000 (6 levels)	1	7.7
(b)(2)(B) Value of prohibited payment between \$200,000 and \$350,000 ⁴⁵ (8 levels)	1	7.7
(b)(2)(B) Value of prohibited payment between \$350,000 and \$500,000 ⁴⁵ (9 levels)	1	7.7
(b)(2)(B) Value of prohibited payment between \$120,000 and \$200,000 (10 levels)	3	23.1
(b)(2)(B) Value of prohibited payment between \$200,000 and \$400,000 (12 levels)	2	15.4
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	3	0.0
(a)(1) Base offense level 6	3	100.0
(a)(2) Theft or embezzlement concealed (base offense level applicable from §§2B1.1 or 2E5.1)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁴⁴ Base offense level thresholds amounts and levels changed on November 1, 2001.

⁴⁵ Threshold amounts and level increases were changed on November 1, 2001.

Post-Booker 2005

Guideline and SOC	Applied	Percent
Part F - Offenses Involving Fraud and Deceit		
§2F1.1 Fraud and Deceit ⁴⁶	933	1.9
(b)(1)(B) Loss between \$2,000 and \$5,000 (one level)	8	0.9
(b)(1)(C) Loss between \$5,000 and \$10,000 (2 levels)	9	1.0
(b)(1)(D) Loss between \$10,000 and \$20,000 (3 levels)	42	4.5
(b)(1)(E) Loss between \$20,000 and \$40,000 (4 levels)	36	3.9
(b)(1)(F) Loss between \$40,000 and \$70,000 (5 levels)	51	5.5
(b)(1)(G) Loss between \$70,000 and \$120,000 (6 levels)	86	9.2
(b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels)	108	11.6
(b)(1)(I) Loss between \$200,000 and \$350,000 (8 levels)	129	13.8
(b)(1)(J) Loss between \$350,000 and \$500,000 (9 levels)	62	6.6
(b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels)	102	10.9
(b)(1)(L) Loss between \$800,000 and \$1,500,000 (11 levels)	80	8.6
(b)(1)(M) Loss between \$1,500,000 and \$2,500,000 (12 levels)	51	5.5
(b)(1)(N) Loss between \$2,500,000 and \$5,000,000 (13 levels)	41	4.4
(b)(1)(O) Loss between \$5,000,000 and \$10,000,000 (14 levels)	36	3.9
(b)(1)(P) Loss between \$10,000,000 and \$20,000,000 (15 levels)	23	2.5
(b)(1)(Q) Loss between \$20,000,000 and \$40,000,000 (16 levels)	12	1.3
(b)(1)(R) Loss between \$40,000,000 and \$80,000,000 (17 levels)	6	0.6
(b)(1)(S) Loss greater than \$80,000,000 (18 levels)	20	2.1
(b)(2)(A) Offense involved more than minimal planning (2 levels)	666	71.4
(b)(2)(B) Offense involved a scheme to defraud more than one victim (2 levels)	124	13.3
(b)(3) Mass marketing (2 levels)	71	7.6

⁴⁶ Guideline eliminated and consolidated with §2B1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2F1.1 Fraud and Deceit (continued)	933	1.9
(b)(4)(A) Offense involved misrepresentation of acting on behalf of charity ⁴⁷ (2 levels)	26	2.8
(b)(4)(B) Offense involved misrepresentation during bankruptcy proceeding ⁴⁷ (2 levels)	20	2.1
(b)(4)(C) Offense involved a violation of judicial order ⁴⁷ (2 levels)	4	0.4
(b)(5)(A) Possession/use of any device making equipment (2 levels, increase to 12)	3	0.3
(b)(5)(B) Production/trafficking of unauthorized device (2 levels, increase to 12)	6	0.6
(b)(5)(C)(i) Unauthorized transfer/use of means of ID (2 levels, increase to 12)	21	2.2
(b)(5)(C)(ii) Possession of 5 or more means of ID (2 levels, increase to 12)	1	0.1
(b)(5) Foreign bank accounts for concealment ⁴⁸ (Increase to level 12)	26	2.8
(b)(6)(A) Offender relocated to evade law enforcement (2 levels or level 12)	14	1.5
(b)(6)(B) Fraud committed outside of U.S. (2 levels or level 12)	3	0.3
(b)(6)(C) Offense involved sophisticated means (2 levels or level 12)	29	3.1
(b)(7)(A) Offense involve risk of serious bodily injury ⁴⁹ (2 levels or level 13)	10	1.1
(b)(7)(B) Offense involved possession of dangerous weapon ⁴⁹ (2 levels or level 13)	4	0.4
(b)(8)(A) Offense jeopardized the safety of financial institution ⁵⁰ (4 levels)	5	0.5
(b)(8)(B) Offense affected a financial institution and derived \$1,000,000 in receipts ⁵⁰ (4 levels)	8	0.9
§2F1.2 Insider Trading ⁴⁶	3	0.0
(b)(1) Loss between \$120,000 and \$200,000 (7 levels)	1	33.3
(b)(1) Loss between \$350,000 and \$500,000 (9 levels)	1	33.3
(b)(1) Loss between \$500,000 and \$800,000 (10 levels)	1	33.3

⁴⁷ SOC changed from §2F1.1(b)(3) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

⁴⁸ SOC eliminated on November 1, 2000.

⁴⁹ SOC changed from §2F1.1(b)(4)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

⁵⁰ SOC changed from §2F1.1(b)(6)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	73	0.2
(a) Base offense level 14	24	32.9
(a)(1) Offense involved a minor (Base offense level 19) ⁵¹	42	57.5
(a)(2) Otherwise (Base offense level 14) ⁵²	7	9.6
(b) Offense involved fraud or coercion (4 levels)	0	0.0
(b)(1)(A) Offense involved a commercial sex act (4 levels) ⁵³	10	13.7
(b)(1)(B) Offense involved the use of physical force/fraud/coercion (4 levels) ⁵³	0	0.0
(b)(2)(A) Victim under the age of 12 (4 levels) ⁵⁴	3	4.1
(b)(2)(B) Victim between 12 and 16 (2 levels) ⁵⁴	33	45.2
(b)(2)(B) Victim between 12 and 16 (7 levels) ⁵⁵	0	0.0
(b)(2)(C) Victim between 16 and 18 (5 levels) ⁵⁵	0	0.0
(b)(3)(A) Victim under 16 and offender was parent/relative/guardian of victim (2 lev's) ⁵⁴	1	1.4
(b)(3)(B) Victim under 16 and otherwise in custody/care/control of defendant (2 levels) ⁵⁴	1	1.4
(b)(4)(A) Misrepresentation of identity to persuade minor to engage in commercial sex act (2 levels) ⁵⁴	8	11.0
(b)(4)(B) Defendant otherwise unduly influenced a minor to engage in commercial sex act (2 levels) ⁵⁴	5	6.8
(b)(5)(A) Use of computer to persuade a minor to engage in commercial sex act (2 levels) ⁵⁴	9	12.3
(b)(5)(B) Use of a computer to solicit a person to engage in sexual conduct with a minor (2 levels) ⁵⁴	8	11.0
§2G1.2 Transportation of a Minor for Prostitution or Prohibited Sexual Contact ⁵⁶	1	0.0
(b)(1) Offense involved physical force or coercion by threats or drugs (4 levels)	0	0.0
(b)(2) Victim under the age of 12 (4 levels)	0	0.0
(b)(3) Victim between 12 and 16 (2 levels)	1	100.0
(b)(4) Offender in custody, care or control (2 levels)	1	100.0

⁵¹ Alternative base offense level eliminated on November 1, 2004.

⁵² Base offense level increased on November 1, 2000.

⁵³ SOC changed on November 1, 2004.

⁵⁴ SOC eliminated on November 1, 2004.

⁵⁵ SOC levels decreased on November 1, 2000 and SOC eliminated on November 1, 2004.

⁵⁶ Guideline consolidated with §2G1.1 on November 1, 1996.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor	38	0.1
(b)(1)(A) Offender was a parent/relative/guardian of the minor (2 levels)	1	2.6
(b)(1)(B) Offender was in custody, care or control of victim (2 levels)	1	2.6
(b)(2)(A) Misrepresentation of identity to persuade minor to engage in prohibited sexual conduct (2 levels)	4	10.5
(b)(2)(B) Defendant used undue influence on minor to engage in prohibited sexual conduct (2 levels)	6	15.8
(b)(3)(A) Use of a computer to persuade a minor to engage in prohibited sexual conduct (2 levels)	20	52.6
(b)(3)(B) Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor (2 levels)	15	39.5
(b)(4)(A) Offense involved commission of sexual act or contact (2 levels)	7	18.4
(b)(4)(B) Offense involved a commercial sex act (2 levels)	1	2.6
(b)(5) Victim under the age of 12 (8 levels)	0	0.0
§2G2.1 Production of Pornography	189	0.4
(a) Base offense level 32	22	11.6
(a) Base offense level 27 ⁵⁷	167	88.4
(b)(1)(A) Victim under the age of 12 (4 levels)	136	72.0
(b)(1)(B) Victim between 12 and 16 (2 levels)	42	22.2
(b)(2)(A) Offense involved the commission of a sexual act or sexual contact (2 levels)	19	10.0
(b)(2)(B) Offense involved (I) the commission of a sexual act and (ii) conduct as described in 18 U.S.C. § 2241(a) or (b) (4 levels)	1	0.5
(b)(3) Offense involved distribution (2 levels)	6	3.2
(b)(4) Offense involved portrayal of sadistic/masochistic conduct or violence (4 levels)	0	0.0
(b)(5) Offender was a parent/relative/legal guardian or custody/care/control (2 levels) ⁵⁸	133	70.4
(b)(6)(A) Misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) ⁵⁹	6	3.2
(b)(6)(B)(i) Use of a computer to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) ⁵⁹	10	5.3
(b)(6)(B)(ii) Use of a computer to solicit participation with a minor in sexually explicit conduct (2 levels) ⁵⁹	13	6.9

⁵⁷ Base offense level increased on November 1, 2004.

⁵⁸ SOC was changed from §2G2.1(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁵⁹ SOC was changed from §2G2.1(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking in Pornography	377	0.8
(a)(1) Offender convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5), Base offense level 18	30	8.0
(a)(2) Otherwise, Base offense level 22	19	5.0
(a) Base offense level 17 ⁶⁰	325	86.2
(b)(1)(A) If (a)(2) applies (B) offender only received material and (C) did not traffic material (decrease 2 levels)	4	1.1
(b)(2) Victim under the age of 12 (2 levels) ⁶¹	359	95.2
(b)(3)(A) Done for pecuniary gain or (B) in exchange for thing of value or (C) distribution to a minor (5 levels) ⁶²	125	33.2
(b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (6 levels)	0	0.0
(b)(3)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁶²	8	2.1
(b)(3)(F) Distribution other than in (b)(3)(A)-(D) (2 levels) ⁶²	76	20.2
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) ⁶³	228	60.5
(b)(5) Offender engaged in a pattern of activity involving sexual exploitation (5 levels) ⁶⁴	58	15.4
(b)(6) Use of a computer (2 levels) ⁶⁵	367	97.3
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) ⁶⁶	79	21.0
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) ⁶⁶	34	9.0
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) ⁶⁶	29	7.7
(b)(7)(D) 600 images or more (5 levels) ⁶⁶	104	27.6

⁶⁰ Base offense level increased on November 1, 2004.

⁶¹ SOC was changed from §2G2.2(b)(1) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶² SOC was changed from §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶³ SOC was changed from §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁴ SOC was changed from §2G2.2(b)(4) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁵ SOC was changed from §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁶ SOC was changed from §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.4 Possession of Pornography ⁶⁷	321	0.6
(b)(1) Minor under the age of 12 depicted (2 levels)	291	90.6
(b)(2) 10 or more items (2 levels)	153	47.7
(b)(3) Use of a computer (2 levels)	295	91.9
(b)(4) Sadistic or masochistic conduct depicted (4 levels)	92	28.7
(b)(5)(A) At least 10 images, but fewer than 150 (2 levels)	80	24.9
(b)(5)(B) At least 150 images, but fewer than 300 (3 levels)	19	5.9
(b)(5)(C) At least 300 images, but fewer than 600 (4 levels)	14	4.4
(b)(5)(D) 600 images or more (5 levels)	69	21.5
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	1	0.0
No Specific Offense Characteristics for the guideline	NA	NA

⁶⁷ Guideline eliminated and consolidated with §2G2.2 on November 1, 2004.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2G3.1 Importing/Mailing/Transporting Obscene Matter	12	0.0
(b)(1)(A) Distribution for pecuniary gain (5 levels)	1	8.3
(b)(1)(B) Distribution in exchange for thing of value (5 levels)	0	0.0
(b)(1)(C) Distribution to a minor (5 levels)	2	16.7
(b)(1)(D) Distribution to a minor to coerce to engage in illegal activity (6 levels)	0	0.0
(b)(1)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁶⁸	2	16.7
(b)(1)(F) Distribution other than in (b)(1)(A)-(E) (2 levels) ⁶⁹	2	16.7
(b)(2) Offense involved misleading domain name on the Internet (2 levels)	1	8.3
(b)(3) Offense involved use of a computer (2 levels)	0	0.0
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) ⁷⁰	3	25.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0
(b)(1) Victim under 18 and broadcast between 6AM and 11PM (4 levels)	0	0.0
(b)(2) Six plus the level in §2B1.1	0	0.0

⁶⁸ SOC was changed from §2G3.1(b)(1)(D) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁹ SOC was changed from §2G3.1(b)(1)(E) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁷⁰ SOC was changed from §2G3.1(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part H - Offenses Involving Individual Rights		
§2H1.1 Offenses Involving Individual Rights	53	0.1
(a)(1) Offense level from the offense guideline applicable to underlying offense	17	32.1
(a)(2) Offense involved two or more participants (Base offense level 12)	25	47.2
(a)(3) Offense involved (A) use/threat of force, or (B) property damage (BOL 10)	9	17.0
(a)(4) Otherwise (Base offense level 6)	2	3.8
(b)(1)(A) Offender was a public official at the time of the offense(6 levels)	13	24.5
(b)(1)(B) Offense committed under color of law (6 levels)	34	64.2
§2H2.1 Obstructing an Election or Registration	7	0.0
(a)(1) Obstruction occurred by use of force or threat against property (BOL 18)	0	0.0
(a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12)	2	28.6
(a)(3)(A) Solicited or accepted value to vote, refrain from, (B) false information to establish eligibility to vote, (C) voted more than once in federal election (BOL 6)	5	71.4
§2H3.1 Interception of Communications	6	0.0
(a)(1) Base offense level 9	5	83.3
(a)(2) Offender convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	1	16.7
(b)(1) Purpose was to obtain direct/indirect commercial advantage (3 levels)	1	16.7
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	0	0.0
(b)(1) Offense committed for pecuniary gain (3 levels)	0	0.0
§2H3.3 Obstructing Correspondence	10	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	22	0.0
(a)(1) Base offense level 22	22	100.0
(a)(2) Offender convicted of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
(b)(1)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	2	9.1
(b)(1)(B) Victim sustained bodily injury (2 levels)	0	0.0
(b)(2)(A) Dangerous weapon used (4 levels)	0	0.0
(b)(2)(B) Dangerous weapon brandished or threatened (2 levels)	3	13.6
(b)(3)(A) Victim held in peonage/involuntary servitude for more than one year (3 levels)	9	40.9
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	0	0.0
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (one level)	11	50.0
(b)(4)(A) Other felony committed during offense (2 levels)	9	40.9
§2H4.2 Willful Violations of the Migrant&Seasonal Agricultural Worker Protection Act	0	0.0
(b)(1)(i) Serious bodily injury (4 levels)	0	0.0
(b)(1)(ii) Bodily injury (2 levels)	0	0.0
(b)(2) Offense committed after sustaining civil adjudication for similar act (2 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part J - Offenses Involving the Administration of Justice		
§2J1.1 Contempt	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.2 Obstruction of Justice	110	0.2
(a)(1) Base offense level 14	76	69.1
(a)(1) Base offense level 12 ⁷¹	33	30.0
(b)(1) Causing/threatening to cause physical injury (8 levels)	16	14.5
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	16	14.5
(b)(3)(A) Offense involved destruction of records (2 levels)	5	4.5
(b)(3)(B) Offense involved selection of any essential document to destroy (2 levels)	3	2.7
(b)(3)(C) Offense involved otherwise extensive in scope or planning (2 levels)	0	0.0
§2J1.3 Perjury or Subornation of Perjury	53	0.1
(a) Base offense level 14	29	54.7
(a) Base offense level 12 ⁷¹	24	45.3
(b)(1) Causing/threatening to cause physical injury (8 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	7	13.2
§2J1.4 Impersonation	17	0.0
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	0	0.0
§2J1.5 Failure to Appear by Material Witness	2	0.0
(a)(1) In respect to a felony (Base offense level 6)	2	100.0
(a)(2) In respect to a misdemeanor (Base offense level 4)	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 levels)	0	0.0

⁷¹ Base offense level increased on November 1, 2003

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2J1.6 Failure to Appear by Defendant	47	0.1
(a)(1) Failure to report for service of sentence (Base offense level 11)	24	51.1
(a)(2) Otherwise (Base offense level 6)	23	48.9
(b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease)	0	0.0
(b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease)	0	0.0
(b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels)	12	25.5
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	10	21.3
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	2	4.3
§2J1.7 Commission of Offense While on Release	110	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.9 Payment to a Witness	0	0.0
Payment made/offered for refusing to testify (4 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part K - Offenses Involving Public Safety		
§2K1.1 Failure to Report Theft of Explosive Materials	3	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	30	0.1
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	2	6.7
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	4	13.3
(a)(3)(A) Prohibited person or (B) knowingly distributed explosive materials to prohibited person (Base offense level 16)	12	40.0
(a)(4) Otherwise (Base offense level 12)	12	40.0
(b)(1)(A) Weight of explosives 25 to 100 pounds (one level)	3	10.0
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	2	6.7
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	1	3.3
(b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels)	1	3.3
(b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels)	4	13.3
(b)(2) Offense involved stolen explosives (2 levels)	8	26.7
(b)(3)(A) Convicted under 18 U.S.C. § 842(p)(2) (4 levels , increase level 18)	3	10.0
(b)(3)(B) Use of explosives in connection with another felony offense (4 levels or level 18)	0	0.0
§2K1.4 Arson	55	0.1
(a)(1)(A) Substantial risk of death/serious bodily injury (B) destruction of dwelling (BOL 24)	37	67.3
(a)(2)(A) Substantial risk of death/serious injury of other participant (B) destruction of structure other than a dwelling, (C) endangered a dwelling (Base offense level 20)	10	18.2
(a)(3) 2 plus the level from §2B1.1	8	14.5
(b)(1) Committed to conceal another offense (2 levels)	4	7.3
(b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels)	0	0.0
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	13	0.0
(b)(1) Committed without regard for safety of human life (15 levels)	2	15.4
(b)(2) Offender prohibited under federal law from possession weapon (2 levels)	0	0.0
(b)(3) Offender's possession lawful but for 49 U.S.C. §46505 (3 level decrease)	4	30.8
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	5,131	10.4
(a)(1) Two prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 26)	76	1.5
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	1,028	20.0
(a)(3) One prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 22)	157	3.1
(a)(4)(A) One prior conviction or (B) firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) and (i) offender was a prohibited person or (ii) convicted under 18 U.S.C. § 922(d) (Base offense level 20)	1,685	32.8
(a)(5) Firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. 921(a)(30) (BOL 18)	217	4.2
(a)(6)(A) Offender prohibited person or (B) convicted under 18 U.S.C. § 922(d) (BOL 14)	1,563	30.5
(a)(7) Excepted as provided in (a)(8) (Base offense level 12)	379	7.4
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6)	23	0.4
(b)(1)(A) 3-4 firearms ⁷² (one level)	12	0.2
(b)(1)(A) 3-7 firearms (two levels)	672	13.1
(b)(1)(B) 5-7 firearms ⁷² (two levels)	3	0.1
(b)(1)(C) 8-12 firearms ⁷² (3 levels)	8	0.2
(b)(1)(B) 8-24 firearms (4 levels)	287	5.6
(b)(1)(E) 25-49 firearms ⁷² (5 levels)	6	0.1
(b)(1)(C) 25-99 firearms (6 levels)	99	1.9
(b)(1)(F) 50 or more firearms ⁷² (6 levels)	3	0.1
(b)(1)(D) 100-199 firearms (8 levels)	11	0.2
(b)(1)(E) 200 or more firearms (10 levels)	7	0.1
(b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6)	59	1.1
(b)(3) Destructive device (2 levels)	124	2.4
(b)(4) Firearm stolen or altered/obliterated serial number (2 levels)	1,066	20.8
(b)(5) Firearms used in connection with another offense (4 levels/increase to level 18)	938	18.3
(b)(6) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense)	4	0.1

⁷² Firearm table changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	13	0.0
(b)(1)(A) Unlawful possession of firearm in a federal court facility (2 levels)	2	15.4
(b)(1)(B) Firearm in school zone (2 levels)	1	7.7
§2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons	4	0.0
(b)(1) Body armor used in connection with another felony (4 levels)	0	0.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part L - Offenses Involving Immigration, Naturalization, and Passports		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	2,230	4.5
(a)(1) Convicted under 8 U.S.C. §1327 after being previously deported (BOL 23)	2	0.1
(a)(2) Otherwise (Base offense level 12)	2,222	99.6
(a)(2) Otherwise (Base offense level 9) ⁷³	3	0.1
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease)	141	6.3
(b)(2)(A) 6-24 aliens smuggled (3 levels)	1,024	45.9
(b)(2)(B) 25-99 aliens smuggled (6 levels)	148	6.6
(b)(2)(C) 100 or more aliens smuggled (9 levels)	34	1.5
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	42	1.9
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	9	0.4
(b)(4)(A) Firearm discharged (6 levels, increase to 22)	1	0.0
(b)(4)(B) Weapon brandished or otherwise used (4 levels, increase to 20)	56	2.5
(b)(4)(C) Weapon possessed (2 levels, increase to 18)	35	1.6
(b)(5) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18)	849	38.1
(b)(6)(1) Bodily injury (2 levels)	27	1.2
(b)(6)(2) Serious bodily injury (4 levels)	13	0.6
(b)(6)(3) Permanent or life-threatening bodily injury (6 levels)	1	0.0
(b)(6)(4) Death (8 levels)	32	1.4
§2L1.2 Unlawfully Entering or Remaining in the United States	7,576	15.3
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months(16 levels)	1,892	25.0
(b)(1)(A)(ii) Previously deported and conviction for crime of violence (16 levels)	988	13.0
(b)(1)(A)(iii) Previously deported and conviction for firearms offense (16 levels)	20	0.3
(b)(1)(A)(iv) Previously deported and conviction for a child pornography offense (16 levels)	4	0.0
(b)(1)(A)(v) Previously deported and conviction for a national security/terrorism offense (16 levels)	1	0.0
(b)(1)(A)(vi) Previously deported and conviction for a human trafficking offense (16 levels)	29	0.4
(b)(1)(A)(vii) Previously deported and conviction for an alien smuggling offense (16 levels)	81	1.1
(b)(1)(B) Previously deported, drug offense sentence less than 13 months (12 levels)	569	7.5

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁷³ Base offense level was changed on November 1, 1997.

Post-Booker 2005

Guideline and SOC	Applied	Percent
§2L1.2 Unlawfully Entering or Remaining in the United States (continued)	7,576	15.3
(b)(1)(C) Previously deported and aggravated felony conviction (8 levels)	1,349	17.8
(b)(1)(D) Previously deported and any other felony conviction (4 levels)	987	13.1
(b)(1)(E) Previously deported and three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels)	39	0.5
§2L2.1 Trafficking in Documents Relating to Naturalization	286	0.6
(a) Base offense level 11	284	99.3
(a) Base offense level 9 ⁷³	2	0.7
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	16	5.6
(b)(2)(A) 6-24 Documents/Passports (3 levels)	63	22.0
(b)(2)(B) 25-99 Documents/Passports (6 levels)	56	19.6
(b)(2)(C) 100 or more Documents/Passports ⁷⁴ (6 levels)	1	0.3
(b)(2)(C) 100 or more Documents/Passports (9 levels)	69	24.1
(b)(3) Offender knew passport or visa facilitated a felony offense (4 levels)	8	2.8
(b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels)	4	1.4
(b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls)	0	0.0
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	787	1.6
(a) Base offense level 8	780	99.1
(a) Base offense level 6 ⁷³	7	0.9
(b)(1) Offender an unlawful alien, previously deported (2 levels)	89	11.3
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	5	0.6
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	1	0.1
(b)(3) Offender fraudulently obtained or used a United States passport (4 levels)	25	3.2
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁷⁴ Enhancement level was changed on November 1, 1997.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part M - Offenses Involving National Defense and Weapons of Mass Destruction		
§2M1.1 Treason	0	0.0
(a)(1) Conduct tantamount to waging war against the United States (Base offense level 43)	0	0.0
(a)(2) Offense level applicable to most analogous offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.1 Destruction of, or Production of Defective War Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.3 Destruction of, or Production of Detective, National Defense Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	0	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	0	0.0
(a)(2) Otherwise (Base offense level 37)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	0	0.0
(a)(1) Top secret information gathered (Base offense level 35)	0	0.0
(a)(2) Otherwise (Base offense level 30)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.3 Transmitting National Defense Information	1	0.0
(a)(1) Top secret information (Base offense level 29)	0	0.0
(a)(2) Otherwise (Base offense level 24)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.4 Losing National Defense Information	0	0.0
(a)(1) Top secret information was lost (Base offense level 18)	0	0.0
(a)(2) Otherwise (Base offense level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
(a)(1) Information disclosed by person with access to classified material identifying a covert agent (BOL 30)	0	0.0
(a)(2) Information disclosed by person with access to classified material (BOL 25)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
(b)(1) Occurred by person being inducted for compulsory military service (6 levels)	0	0.0
§2M5.1 Evasion of Export Controls	8	0.0
(a)(1)(A) National security controls (B) offense involved financial transactions with a country supporting terrorism (Base offense level 26)	4	50.0
(a)(2) Otherwise (Base offense level 14)	2	25.0
(a)(1) National security or nuclear proliferation controls were evaded ⁷⁵ (BOL 22)	2	25.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	19	0.0
(a)(1) Except as provided in (a)(2) (Base offense level 26)	16	84.2
(a)(1) Except as provided in (a)(2) ⁷⁵ (Base offense level 22)	0	0.0
(a)(2) Involved less than 10 only non-fully automatic small arms (Base offense level 14)	3	15.8
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	4	0.0
(b)(1)(A) Offense involved the provision of dangerous weapons (2 levels)	3	75.0
(b)(1)(B) Offense involved the provision of firearms (2 levels)	0	0.0
(b)(1)(C) Offense involved the provision of explosives (2 levels)	0	0.0
(b)(1)(D) Offense involved the provisions of funds to purchase (A)-(C) (2 levels)	0	0.0
(b)(1)(E) Offense involved the provisions of funds used with the intent to commit a violent act (2 levels)	0	0.0

⁷⁵ Base offense level was raised on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2M6.1 Unlawful Production of Nuclear Material	16	0.0
(a)(1)(A) Intent to injure U.S. (B) aid a foreign nation (Base offense level 42)	0	0.0
(a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28)	0	0.0
(a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22)	0	0.0
(a)(4) Convicted under 18 U.S.C. §175(b) (a)(5)(A) Involved a threat to use nuclear weapon but (B) did not intend to carry out threat (Base offense level 20)	16	100.0
(b)(1)(A) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels)	8	50.0
(b)(2)(A) Subsections (a)(2)-(a)(4) applies and (B)(i) victim died or permanent life-threatening bodily injury (4 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (ii) serious bodily injury (2 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (iii) injury between (i) and (ii) (3 levels)	0	0.0
(b)(3)(A) Subsection (a)(2)-(a)(5) applies and (B) disruption of government services (4 levels)	9	56.2
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	1	0.0
(a)(1) Committed with intent to injure the United States (Base offense level 30)	0	0.0
(a)(2) Otherwise (Base offense level 6)	1	100.0
No Specific Offense Characteristic for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	1	0.0
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Serious bodily injury (2 levels)	0	0.0
(b)(1)(C) Degree of injury between serious and permanent/life-threatening (3 levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	2	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N1.3 Tampering with Intent to Injure Business	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	23	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N3.1 Odometer Laws and Regulations	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part P - Offenses Involving Prisons and Correctional Facilities		
§2P1.1 Escape, Instigating or Assisting Escape	181	0.4
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (BOL 13)	176	97.2
(a)(2) Otherwise (Base offense level 8)	5	2.8
(b)(1) Use of threat of force against any person (5 levels)	6	3.3
(b)(2) Escaped from non-secure custody,(a)(1) applies, return in 96 hours (7 level decrease)	5	2.8
(b)(2) Escaped from non-secure custody, (a)(2)applies, return in 96 hours (4 level decrease)	6	3.3
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	92	50.8
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	1	0.6
(b)(4) Offender was a law enforcement officer (2 levels)	0	0.0
§2P1.2 Providing or Possessing Contraband in Prison	63	0.1
(a)(1) Object was a firearm or destructive device (Base offense level 23)	0	0.0
(a)(2) Object was a weapon, ammunition, LSD, or a narcotic drug (Base offense level 13)	36	57.1
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	25	39.7
(a)(4) Other object threatened order of facility (Base offense level 4)	1	1.6
(b)(1) Offender was a law enforcement officer (2 levels)	4	6.4
§2P1.3 Engaging in a Riot Involving Persons in a Facility	6	0.0
(a)(1) Substantial risk of death or serious bodily injury (Base offense level 22)	0	0.0
(a)(2) Caused a major disruption to the operation of an institution (Base offense level 16)	0	0.0
(a)(3) Otherwise (Base offense level 10)	4	66.7
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part Q -Offenses Involving the Environment		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q1.2 Mishandling of Hazardous Substances	31	0.1
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	13	41.9
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	9	29.0
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	3	9.7
(b)(3) Disruption of public utilities or evacuation (4 levels)	4	12.9
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	20	64.2
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
(b)(6) Simple recordkeeping or reporting violation (2 level decrease)	1	3.2
(b)(7) Convicted under 49 U.S.C. § 5124 or § 46312 (2 levels)	0	0.0
§2Q1.3 Mishandling of Other Environmental Pollutants	31	0.1
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	11	35.5
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	10	32.3
(b)(2) Substantial likelihood of death or serious bodily injury (11 levels)	0	0.0
(b)(3) Resulted in disruption of public utilities or evacuation (4 levels)	1	3.2
(b)(4) Discharge without permit or in violation of a permit (4 levels)	18	58.1
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0
(b)(1)(A) Victim sustained permanent/life threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Victim sustained serious bodily injury (2 levels)	0	0.0
(b)(1)(C) The degree of injury is between subdivisions (A) and (B) (3 levels)	0	0.0
(b)(2)(A) Offense resulted in disruption of public functions/services (4 levels)	0	0.0
(b)(2)(B) Disruption resulted in expenditure of funds to clean up in response to offense (4 levels)	0	0.0
(b)(3) Ongoing release of contaminant into public water system (2 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	0	0.0
(a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9)	0	0.0
(a)(2) Obstruct harvesting of timber and property destruction (apply §2B1.1)	0	0.0
(a)(3) Reckless disregard to risk to another person (apply §2A2.2)	0	0.0
(a)(4) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	77	0.2
(b)(1)(A) Offense committed for pecuniary gain (2 levels)	57	74.0
(b)(1)(B) Offense involved a pattern of similar violations (2 levels)	6	7.8
(b)(2)(A) Offense involved wildlife not quarantined (2 levels)	7	9.1
(b)(2)(B) Offense involved significant risk of infestation/disease to human/wildlife (2 levels)	7	9.1
(b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (one level)	12	15.6
(b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels)	7	9.1
(b)(3)(A) Value of wildlife between \$10,000 and \$20,000 ⁷⁶ (3 levels)	1	1.3
(b)(3)(A) Value of wildlife between \$10,000 and \$30,000 (4 levels)	13	16.9
(b)(3)(A) Value of wildlife between \$20,000 and \$40,000 ⁷⁶ (4 levels)	2	2.6
(b)(3)(A) Value of wildlife between \$40,000 and \$70,000 ⁷⁶ (5 levels)	1	1.3
(b)(3)(A) Value of wildlife between \$30,000 and \$70,000 (6 levels)	3	3.9
(b)(3)(A) Value of wildlife between \$70,000 and \$120,000 (8 levels)	1	1.3
(b)(3)(A) Value of wildlife between \$200,000 and \$350,000 ⁷⁶ (8 levels)	1	1.3
(b)(3)(A) Value of wildlife between \$120,000 and \$200,000 (10 levels)	1	1.3
(b)(3)(A) Value of wildlife between \$200,000 and \$400,000 (12 levels)	2	2.6
(b)(3)(B)(i) Offense involved protected marine mammals (4 levels)	0	0.0
(b)(3)(B)(ii) Offense involved fish/wildlife/plants listed as endangered (4 levels)	4	5.2
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (4 levels)	5	6.5

⁷⁶ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part R - Antitrust Offenses		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	14	0.0
(b)(1) Involved participation in agreement to submit non-competitive bid (one level)	11	78.6
(b)(2)(A) Volume of commerce between \$400,000 and \$1,000,000 (one level)	1	7.1
(b)(2)(B) Volume of commerce between \$1,000,000 and \$2,500,000 (2 levels)	1	7.1
(b)(2)(C) Volume of commerce between \$2,500,000 and \$6,250,000 (3 levels)	0	0.0
(b)(2)(D) Volume of commerce between \$6,250,000 and \$15,000,000 (4 levels)	1	7.1
(b)(2)(E) Volume of commerce between \$15,000,000 and \$37,500,000 (5 levels)	6	42.9
(b)(2)(F) Volume of commerce between \$37,500,000 and \$100,000,000 (6 levels)	3	21.4
(b)(2)(G) Volume of commerce more than \$100,000,000 (7 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part S - Money Laundering and Monetary Transactions Reporting		
§2S1.1 Laundering of Monetary Instruments	720	1.4
(a)(1) Base offense level 8	11	1.5
(a)(1) Base offense level 9	1	0.1
(a)(1)&(2) Base offense level 10	21	2.9
(a)(1)&(2) Base offense level 12	42	5.8
(a)(1)&(2) Base offense level 14	51	7.1
(a)(1)&(2) Base offense level 15	2	0.3
(a)(1)&(2) Base offense level 16	42	5.8
(a)(1)&(2) Base offense level 17	1	0.1
(a)(1)&(2) Base offense level 18	48	6.7
(a)(1)&(2) Base offense level 19	6	0.8
(a)(1)&(2) Base offense level 20	54	7.5
(a)(1)&(2) Base offense level 20 ⁷⁷	72	10.0
(a)(1)&(2) Base offense level 21	3	0.4
(a)(1)&(2) Base offense level 22	47	6.5
(a)(1)&(2) Base offense level 23	5	0.7
(a)(1)&(2) Base offense level 23 ⁷⁷	29	4.0
(a)(1)&(2) Base offense level 24	51	7.1
(a)(1)&(2) Base offense level 25	3	0.4
(a)(1)&(2) Base offense level 26	51	7.1
(a)(1)&(2) Base offense level 27	5	0.7
(a)(1)&(2) Base offense level 28	28	3.9
(a)(1)&(2) Base offense level 29	3	0.4

⁷⁷ Base offense levels were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	720	1.4
(a)(1)&(2) Base offense level 30	17	2.4
(a)(1)&(2) Base offense level 31	4	0.6
(a)(1)&(2) Base offense level 32	28	3.9
(a)(1)&(2) Base offense level 33	1	0.1
(a)(1)&(2) Base offense level 34	23	3.2
(a)(1)&(2) Base offense level 35	2	0.3
(a)(1)&(2) Base offense level 36	14	1.9
(a)(1)&(2) Base offense level 37	1	0.1
(a)(1)&(2) Base offense level 38	38	5.3
(a)(1)&(2) Base offense level 40	10	1.4
(a)(1)&(2) Base offense level 41	1	0.1
(a)(1)&(2) Base offense level 42	3	0.4
(b)(1)(B)(i) Subsection (a)(2) applies and offender knew proceeds intended for distribution of a controlled substance (6 levels)	132	18.3
(b)(1)(B)(ii) Subsection (a)(2) applies and offender knew proceeds were intended for a crime of violence (6 levels)	11	1.5
(b)(1)(B)(iii) Subsection (a)(2) applies and offender knew proceeds intended for firearms explosives (6 levels)	2	0.3
(b)(1) Proceeds intended for unlawful controlled substance offense ⁷⁸ (3 levels)	36	5.0
(b)(2)(A) Offender convicted under 18 U.S.C. §1957 (one level)	58	8.0
(b)(2)(B) Offender convicted under 18 U.S.C. §1956 (2 levels)	507	70.4
(b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (4 levels)	10	1.4
(b)(2)(B) Value of funds laundered between \$100,000 and \$200,000 ⁷⁹ (one level)	8	1.1
(b)(2)(C) Value of funds laundered between \$200,000 and \$350,000 ⁷⁹ (2 levels)	6	0.8
(b)(2)(D) Value of funds laundered between \$350,000 and \$600,000 ⁷⁹ (3 levels)	9	0.1
(b)(2)(E) Value of funds laundered between \$600,000 and \$1,000,000 ⁷⁹ (4 levels)	10	1.4

⁷⁸ SOC was expanded and level enhanced on November 1, 2001.

⁷⁹ SOC eliminated on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	720	1.4
(b)(2)(F) Value of funds laundered between \$1,000,000 and \$2,000,000 ⁷⁹ (5 levels)	12	1.7
(b)(2)(G) Value of funds laundered between \$2,000,000 and \$3,500,000 ⁷⁹ (6 levels)	11	1.5
(b)(2)(H) Value of funds laundered between \$3,500,000 and \$6,000,000 ⁷⁹ (7 levels)	7	1.0
(b)(2)(I) Value of funds laundered between \$6,000,000 and \$10,000,000 ⁷⁹ (8 levels)	8	1.1
(b)(2)(J) Value of funds laundered between \$10,000,000 and \$20,000,000 ⁷⁹ (9 levels)	3	0.4
(b)(2)(K) Value of funds laundered between \$20,000,000 and \$35,000,000 ⁷⁹ (10 levels)	4	0.6
(b)(2)(L) Value of funds laundered between \$35,000,000 and \$60,000,000 ⁷⁹ (11 levels)	2	0.3
(b)(2)(M) Value of funds laundered between \$60,000,000 and \$100,000,000 ⁷⁹ (12 levels)	1	0.1
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	28	3.9
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ⁸⁰	21	0.0
(b)(1)(A) Unlawful activity involved a controlled substance (5 levels)	3	14.3
(b)(1)(B) Any other specified unlawful activity (2 levels)	14	66.7
(b)(2) Value of funds laundered between \$100,000 and \$200,000 (one level)	1	4.8
(b)(2) Value of funds laundered between \$200,000 and \$350,000 (2 levels)	3	14.3
(b)(2) Value of funds laundered between \$350,000 and \$600,000 (3 levels)	3	14.3
(b)(2) Value of funds laundered between \$1,000,000 and \$2,000,000 (5 levels)	3	14.3
(b)(2) Value of funds laundered between \$2,000,000 and \$3,500,000 (6 levels)	3	14.3
(b)(2) Value of funds laundered between \$3,500,000 and \$6,000,000 (7 levels)	2	9.5
(b)(2) Value of funds laundered between \$10,000,000 and \$20,000,000 (9 levels)	2	9.5
(b)(2) Value of funds laundered between \$20,000,000 and \$35,000,000 (10 levels)	2	9.5

⁸⁰ Guideline was eliminated and consolidated with §2S1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2S1.3 Structuring Transactions to Evade Reporting Requirements	207	0.4
(a)(1) Offender convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	0	0.0
(a)(2) Loss less than \$5,000 (Base offense level 6)	5	2.4
(a)(2) Loss between \$10,000 and \$20,000 ⁸¹ (Base offense level 9)	5	2.4
(a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10)	31	15.0
(a)(2) Loss between \$20,000 and \$40,000 ⁸¹ (Base offense level 10)	1	0.5
(a)(2) Loss between \$40,000 and \$70,000 ⁸¹ (Base offense level 11)	5	2.4
(a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12)	56	27.0
(a)(2) Loss between \$70,000 and \$120,000 ⁸¹ (Base offense level 12)	5	2.4
(a)(2) Loss between \$120,000 and \$200,000 ⁸¹ (Base offense level 13)	1	0.5
(a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14)	21	10.1
(a)(2) Loss between \$200,000 and \$350,000 ⁸¹ (Base offense level 14)	1	0.5
(a)(2) Loss between \$350,000 and \$500,000 ⁸¹ (Base offense level 15)	2	1.0
(a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16)	20	9.7
(a)(2) Loss between \$800,000 and \$1,500,000 ⁸¹ (Base offense level 17)	4	1.9
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	19	9.2
(a)(2) Loss between \$1,500,000 and \$2,500,000 ⁸¹ (Base offense level 18)	2	1.0
(a)(2) Loss between \$2,500,000 and \$5,000,000 ⁸¹ (Base offense level 19)	1	0.5
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	9	4.4
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	7	3.4
(a)(2) Loss between \$20,000,000 and \$40,000,000 ⁸¹ (Base offense level 22)	1	0.5
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	7	3.4
(a)(2) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	3	1.4
(a)(2) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	0.5

⁸¹ Base offense level thresholds amounts and levels changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2S1.3 Structuring Transactions to Evade Reporting Requirements (continued)	207	0.4
(b)(1)(A) Offender knew proceeds were for unlawful activity (2 levels)	76	36.7
(b)(1)(B) Offense involved bulk cash smuggling (2 levels)	56	27.0
(b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12 month period (two levels)	9	4.3
(b)(3) Subsection (b)(1) does not apply (B) offender did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes ⁸² (decrease to level 6)	15	7.2

⁸² SOC was changed from §2S1.3(b)(2) on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
Part T - Offenses Involving Taxation		
§2T1.1 Tax Evasion	455	0.9
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	8	1.8
(a)(2) No tax loss or loss less than \$1,700 ⁸³ (Base offense level 6)	7	1.5
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	3	0.7
(a)(1) Loss between \$3,000 and \$5,000 ⁸³ (Base offense level 8)	1	0.2
(a)(1) Loss between \$5,000 and \$8,000 ⁸³ (Base offense level 9)	4	0.9
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	10	2.2
(a)(1) Loss between \$8,000 and \$13,500 ⁸³ (Base offense level 10)	8	1.8
(a)(1) Loss between \$13,500 and \$23,500 ⁸³ (Base offense level 11)	13	2.9
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	18	4.0
(a)(1) Loss between \$23,500 and \$40,000 ⁸³ (Base offense level 12)	27	5.9
(a)(1) Loss between \$40,000 and \$70,000 ⁸³ (Base offense level 13)	44	9.7
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	35	7.7
(a)(1) Loss between \$70,000 and \$120,000 ⁸³ (Base offense level 14)	33	7.2
(a)(1) Loss between \$120,000 and \$200,000 ⁸³ (Base offense level 15)	28	6.2
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	50	11.0
(a)(1) Loss between \$200,000 and \$325,000 ⁸³ (Base offense level 16)	38	8.4
(a)(1) Loss between \$325,000 and \$550,000 ⁸³ (Base offense level 17)	29	6.4
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	17	3.7
(a)(1) Loss between \$550,000 and \$950,000 ⁸³ (Base offense level 18)	16	3.5
(a)(1) Loss between \$950,000 and \$1,500,000 ⁸³ (Base offense level 19)	11	2.4
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	21	4.6
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁸³ (Base offense level 20)	4	0.9
(a)(1) Loss between \$2,500,000 and \$5,000,000 ⁸³ (Base offense level 21)	4	0.9
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	6	1.3
(a)(1) Loss between \$5,000,000 and \$10,000,000 ⁸³ (Base offense level 22)	4	0.9

⁸³ Base offense level thresholds amounts and levels changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2T1.1 Tax Evasion (continued)	455	0.9
(a)(1) Loss between \$10,000,000 and \$20,000,000 ⁸³ (Base offense level 23)	2	0.4
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	5	1.1
(a)(1) Loss between \$40,000,000 and \$80,000,000 ⁸³ (Base offense level 25)	2	0.4
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	1	0.2
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	6	1.3
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, level 12)	124	27.2
(b)(2) Sophisticated means (2 levels, increase to level 12)	65	14.3
§2T1.3 Fraud and False Statements Under Penalty of Perjury ⁸⁴	1	0.0
(a)(1) Base offense level from Tax Table (Base offense level 10)	1	100.0
(a)(2) otherwise (Base offense level 6)	0	0.0
(b)(1) Failed to report source of income exceeding \$10,000 (2 levels, increase to 12)	0	0.0
(b)(2) Sophisticated means (2 levels)	0	0.0
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	88	0.2
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	2	2.3
(a)(1) Loss between \$8,000 and \$13,500 ⁸³ (Base offense level 10)	3	3.4
(a)(1) Loss between \$13,500 and \$23,500 ⁸³ (Base offense level 11)	3	3.4
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	4	4.6
(a)(1) Loss between \$23,500 and \$40,000 ⁸³ (Base offense level 12)	3	3.4
(a)(1) Loss between \$40,000 and \$70,000 ⁸³ (Base offense level 13)	8	9.1
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	13	14.8
(a)(1) Loss between \$70,000 and \$120,000 ⁸³ (Base offense level 14)	6	6.8
(a)(1) Loss between \$120,000 and \$200,000 ⁸³ (Base offense level 15)	6	6.8
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	8	9.1
(a)(1) Loss between \$200,000 and \$325,000 ⁸³ (Base offense level 16)	1	1.1
(a)(1) Loss between \$325,000 and \$550,000 ⁸³ (Base offense level 17)	4	4.6
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	5	5.7
(a)(1) Loss between \$550,000 and \$950,000 ⁸³ (Base offense level 18)	2	2.3
(a)(1) Loss between \$950,000 and \$1,500,000 ⁸³ (Base offense level 19)	3	3.4
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	6	6.8

⁸⁴ Guideline eliminated and consolidated with §2T1.1 on November 1, 1993.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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Guideline and SOC	Applied	Percent
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud (continued)	88	0.2
(a)(1) Loss between \$2,500,000 and \$5,000,000 ⁸³ (Base offense level 21)	1	1.1
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	3	3.4
(a)(1) Loss between \$10,000,000 and \$20,000,000 ⁸³ (Base offense level 22)	1	1.1
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	2	2.3
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	4	4.6
(b)(1)(A) As part of scheme, offender derived substantial portion of income (2 levels)	45	51.1
(b)(1)(B) Defendant was in business of preparing tax returns (2 levels)	21	23.9
(b)(2) Sophisticated means (2 levels, increase to level 12)	16	18.2
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	11	0.0
(a) Loss between \$40,000 and \$70,000 ⁸³ (Base offense level 13)	2	18.2
(a) Loss between \$70,000 and \$120,000 ⁸³ (Base offense level 14)	1	9.1
(a) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	9.1
(a) Loss between \$200,000 and \$325,000 ⁸³ (Base offense level 16)	2	18.2
(a) Loss between \$325,000 and \$550,000 ⁸³ (Base offense level 17)	1	9.1
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	9.1
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	2	18.2
(a) Loss between \$1,500,000 and \$2,500,000 ⁸³ (Base offense level 20)	1	9.1
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.8 Offenses Relating to Withholding Statements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.9 Conspiracy to Impede, Impair, Obstruct	13	0.0
(a)(1)&(2) Loss \$13,500 and less ⁸³ (Base offense level 10)	1	7.7
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	1	7.7
(a)(1) Loss between \$70,000 and \$120,000 ⁸³ (Base offense level 14)	1	7.7
(a)(1) Loss between \$120,000 and \$200,000 ⁸³ (Base offense level 15)	2	15.4
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	3	23.1
(a)(1) Loss between \$200,000 and \$325,000 ⁸³ (Base offense level 16)	2	15.4

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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Guideline and SOC	Applied	Percent
§2T1.9 Conspiracy to Impede, Impair, Obstruct (continued)	13	0.0
(a)(1) Loss between \$325,000 and \$550,000 ⁸³ (Base offense level 17)	1	7.7
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	7.7
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	7.7
(b)(1) Planned or threat of violence to impede the collection of revenue (4 levels)	0	0.0
(b)(2) Conduct was to encourage others to impede collection of revenue (2 levels)	7	53.8
§2T2.1 Non-payment of Taxes	1	0.0
(a) Loss of less than \$2,000 (Base offense level 6)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T2.2 Regulatory Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	19	0.0
(a)(3) Loss less than \$100 (Base offense level 4)	1	5.3
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	1	5.3
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	2	10.5
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	2	10.5
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	2	10.5
(a)(1) Loss between \$70,000 and \$120,000 ⁸³ (Base offense level 14)	1	5.3
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	5.3
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	5.3
(a)(1) Loss between \$550,000 and \$950,000 ⁸³ (Base offense level 18)	1	5.3
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	2	10.5
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	4	21.0
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	5.3
(b)(1) Sophisticated means (2 levels, increase to level 12)	3	15.8

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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Guideline and SOC	Applied	Percent
Part X - Other Offenses		
§2X1.1 Attempt, Solicitation, or Conspiracy	114	0.2
(a) Base offense level 6	1	0.9
(a) Base offense level 8	10	8.8
(a) Base offense level 9	5	4.4
(a) Base offense level 10	4	3.5
(a) Base offense level 11	3	2.6
(a) Base offense level 12	9	7.9
(a) Base offense level 13	1	0.9
(a) Base offense level 14	7	6.1
(a) Base offense level 15	1	0.9
(a) Base offense level 16	6	5.3
(a) Base offense level 17	3	2.6
(a) Base offense level 18	11	9.6
(a) Base offense level 19	2	1.8
(a) Base offense level 20	5	4.4
(a) Base offense level 21	2	1.8
(a) Base offense level 22	17	14.9
(a) Base offense level 23	6	5.3
(a) Base offense level 24	1	0.9
(a) Base offense level 25	1	0.9
(a) Base offense level 26	3	2.6
(a) Base offense level 27	4	3.5
(a) Base offense level 28	2	1.8
(a) Base offense level 29	1	0.9
(a) Base offense level 30	4	3.5
(a) Base offense level 32	2	1.8
(a) Base offense level 34	2	1.8
(a) Base offense level 38	1	0.8

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Post-Booker 2005

Guideline and SOC	Applied	Percent
§2X1.1 Attempt, Solicitation, or Conspiracy (continued)	114	0.2
(b)(1) If an attempt (3 level decrease)	3	2.6
(b)(2) If a conspiracy (3 level decrease)	14	12.3
(b)(3)(A) Solicitation (3 level decrease)	0	0.0
§2X2.1 Aiding and Abetting	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X3.1 Accessory After the Fact	97	0.2
(a) Base offense level 4	6	6.2
(a) Base offense level 6	3	3.1
(a) Base offense level 7	4	4.1
(a) Base offense level 8	6	6.2
(a) Base offense level 10	2	2.1
(a) Base offense level 12	2	2.1
(a) Base offense level 13	2	2.1
(a) Base offense level 14	7	7.2
(a) Base offense level 16	10	10.3
(a) Base offense level 17	5	5.2
(a) Base offense level 18	6	6.2
(a) Base offense level 19	1	1.0
(a) Base offense level 20	9	9.3
(a) Base offense level 21	2	2.1
(a) Base offense level 22	3	3.1
(a) Base offense level 24	3	3.1
(a) Base offense level 25	1	1.0
(a) Base offense level 26	5	5.2
(a) Base offense level 27	1	1.0
(a) Base offense level 28	2	2.1
(a) Base offense level 30	17	17.5
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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Guideline and SOC	Applied	Percent
§2X4.1 Misprision of a Felony	322	0.6
(a) Base offense level 4	35	10.9
(a) Base offense level 5	14	4.4
(a) Base offense level 6	8	2.5
(a) Base offense level 7	13	4.0
(a) Base offense level 8	5	1.6
(a) Base offense level 9	26	8.1
(a) Base offense level 10	3	0.9
(a) Base offense level 11	25	7.8
(a) Base offense level 12	3	0.9
(a) Base offense level 13	18	5.6
(a) Base offense level 14	5	1.6
(a) Base offense level 15	22	6.8
(a) Base offense level 16	4	1.2
(a) Base offense level 17	42	13.0
(a) Base offense level 18	1	0.3
(a) Base offense level 19	95	29.5
(a) Base offense level 21	2	0.6
(a) Base offense level 26	1	0.3
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.1 Other Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA