

# **Use of Guidelines and Specific Offense Characteristics Offender Based**

**Fiscal Year 2020**



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS<sup>1</sup>**  
**Offender Based**  
**Fiscal Year 2020<sup>2</sup>**

Guideline and SOC	Applied <sup>3</sup>	Percent <sup>4</sup>
<b>Part A - Offenses Against The Person</b>		
<b>All Offenses</b>	<b>59,234</b>	<b>100.0</b>
Chapter 2 Specific Offense Characteristic Adjustments	34,385	58.1
§2A1.1 First Degree Murder	220	0.4
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	27	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	12	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	26	0.0
(a)(1) Criminally negligent (Base offense level 12)	0	0.0
(a)(2)(A) Reckless conduct (Base offense level 18)	6	23.1
(a)(2)(B) Reckless operation of a means of transportation (Base offense level 22)	20	76.9
No Specific Offense Characteristics for this guideline	NA	NA

<sup>1</sup> The information in these tables depicts information collected from only those cases in which complete guideline information is available. Of the 64,565 cases received by the Commission, 84 were excluded as the offender was only convicted of 18 U.S.C. § 1028A and another 330 were excluded as the offender was only convicted of 18 U.S.C. § 924(c). By statute, the punishment for these crimes must be served consecutively to any other punishment, therefore, in these cases the conviction for this crime did not affect the guideline for the underlying offense. Of the remaining 64,151 cases, 59,255 contained complete guideline information (91.8 percent of all cases). An additional 21 cases had missing information on the guideline that controlled the guideline calculation.

<sup>2</sup> Fiscal Year 2020 data represents guideline application from guidelines effective November 1, 2018 unless otherwise specified.

<sup>3</sup> This column represents the number of times each guideline or Specific Offense Characteristic (SOC) was applied.

<sup>4</sup> The “Percent” column represents, for each guideline, the portion of all guideline calculations in which the specific guideline was involved. For each SOC, the percent represents the frequency with which the SOC was used in the calculations for the specific guideline.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A1.5 Conspiracy or Solicitation to Commit Murder	33	0.1
Chapter 2 Specific Offense Characteristic Adjustments	10	30.3
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	10	30.3
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	124	0.2
(a)(1) Offense would have constituted first degree murder (Base offense level 33)	82	66.1
(a)(2) Otherwise (Base offense level 27)	42	33.9
Chapter 2 Specific Offense Characteristic Adjustments	65	52.4
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	37	29.8
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	4	3.2
(b)(1)(C) Serious bodily injury (2 levels)	24	19.4
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	2	1.6
§2A2.2 Aggravated Assault	339	0.6
Chapter 2 Specific Offense Characteristic Adjustments	328	96.8
(b)(1) More than minimal planning (2 levels)	28	8.3
(b)(2)(A) Firearm discharged (5 levels)	38	11.2
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	138	40.7
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	13	3.8
(b)(3)(A) "Simple" bodily injury (2 levels) <sup>5</sup>	1	0.3
(b)(3)(A) "Simple" bodily injury (3 levels)	97	28.6
(b)(3)(B) Serious bodily injury (5 levels)	122	36.0
(b)(3)(C) Permanent or life-threatening injury (5 levels) <sup>5</sup>	1	0.3
(b)(3)(C) Permanent or life-threatening injury (6 levels) <sup>5</sup>	9	2.7
(b)(3)(C) Permanent or life-threatening injury (7 levels)	29	8.6
(b)(3)(D) Between serious and "simple" bodily injury (4 levels)	15	4.4
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (6 levels)	15	4.4

<sup>5</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.2 Aggravated Assault (continued)	339	0.6
(b)(4) Offense involved strangulation or suffocating a spouse or partner (2 levels) <sup>5</sup>	1	0.3
(b)(4) Offense involved strangulation or suffocating a spouse or partner (3 levels)	55	16.2
(b)(5) Assault motivated by payment or offer of money or thing of value (2 levels) <sup>6</sup>	1	0.3
(b)(6) Assault involved violation of a court protection order (2 levels) <sup>7</sup>	7	2.1
(b)(7) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115 (2 levels) <sup>8</sup>	44	13.0
§2A2.3 Assault	78	0.1
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 7)	72	92.3
(a)(2) Other than the behavior in (a)(1) (Base offense level 4)	6	7.7
Chapter 2 Specific Offense Characteristic Adjustments	57	73.1
(b)(1)(A) Bodily injury to victim (2 levels)	27	34.6
(b)(1)(B) Substantial bodily injury to victim under age of 16 (4 levels)	30	38.5
§2A2.4 Obstructing or Impeding Officers	181	0.3
Chapter 2 Specific Offense Characteristic Adjustments	153	84.5
(b)(1)(a) Physical contact (3 levels)	141	77.9
(b)(1)(b) Dangerous weapon possessed/threatened (3 levels)	10	5.5
(b)(2) Victim sustained bodily injury (2 levels)	67	37.0

<sup>6</sup> SOC was formerly §2A2.2(b)(4) and was redesignated §2A2.2(b)(5) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

<sup>7</sup> SOC was formerly §2A2.2(b)(5) and was redesignated §2A2.2(b)(6) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

<sup>8</sup> SOC was formerly §2A2.2(b)(6) and was redesignated §2A2.2(b)(7) on November 1, 2014. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.1 Criminal Sexual Abuse (Rape)	92	0.2
(a)(1) Conviction under 18 U.S.C. § 2241(c) (Base offense level 38)	21	22.8
(a)(2) Otherwise (Base offense level 30)	70	76.1
(a) Base offense level 27 <sup>9</sup>	1	1.1
Chapter 2 Specific Offense Characteristic Adjustments	75	81.5
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	43	46.7
(b)(2)(A) Victim under age of 12 (4 levels)	23	25.0
(b)(2)(B) Victim between 12 and 16 (2 levels)	11	12.0
(b)(3)(A) Victim in custody, care or control (2 levels)	31	33.7
(b)(3)(B) Victim in a correctional facility (2 levels)	5	5.4
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	1	1.1
(b)(4)(B) Serious bodily injury (2 levels)	9	9.8
(b)(4)(C) Between permanent/life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(5) Victim abducted (4 levels)	8	8.7
(b)(6)(A) Misrepresentation to persuade a minor (2 levels)	1	1.1
(b)(6)(B) Use of a computer to persuade a minor (2 levels)	12	13.0
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	27	0.1
Chapter 2 Specific Offense Characteristic Adjustments	16	59.3
(b)(1) Victim in custody, care or control of the defendant (4 levels)	10	37.0
(b)(2)(A) Misrepresentation of identity (4 levels)	0	0.0
(b)(2)(B) Undue influence (4 levels)	4	14.8
(b)(3) Use of a computer to persuade the victim to engage in prohibited sexual conduct (2 levels)	3	11.1
§2A3.3 Criminal Sexual Abuse of a Ward	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Misrepresentation of identity (2 levels)	0	0.0
(b)(2) Use of a computer (2 levels)	0	0.0

<sup>9</sup> Base offense level was increased on November 1, 2004.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.4 Abuse Sexual Contact	25	0.0
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 20)	3	12.0
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 16)	3	12.0
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 12)	19	76.0
Chapter 2 Specific Offense Characteristic Adjustments	18	72.0
(b)(1) Victim under the age of 12 (4 levels, increase to level 22)	15	60.0
(b)(2) Victim between 12 and 16 (2 levels)	1	4.0
(b)(3) Victim was in custody, care or control (2 levels)	7	28.0
(b)(4) Misrepresentation of identity (2 levels)	0	0.0
(b)(5) Use of a computer (2 levels)	0	0.0
§2A3.5 Failure to Register as a Sex Offender	290	0.5
(a)(1) Defendant required to register as a Tier III offender (Base offense level 16)	146	50.3
(a)(2) Defendant required to register as a Tier II offender (Base offense level 14)	88	30.3
(a)(3) Defendant required to register as a Tier I offender (Base offense level 12)	56	19.3
Chapter 2 Specific Offense Characteristic Adjustments	9	3.1
(b)(1)(A) If while in failure to register status, sex offense against non-minor (6 levels)	1	0.3
(b)(1)(B) If while in failure to register status, felony offense against a minor (6 levels)	0	0.0
(b)(1)(C) If while in failure to register status, sex offense against a minor (8 levels)	4	1.4
(b)(2)(A) Defendant voluntarily corrected the failure to register (3 level decrease)	4	1.4
(b)(2)(B) Defendant voluntarily attempted to register but was unable to (3 level decrease)	0	0.0
§2A3.6 Aggravated Offenses Relating to Registration as a Sex Offender	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A4.1 Kidnapping, Abduction or Unlawful Restraint	64	0.1
Chapter 2 Specific Offense Characteristic Adjustments	53	82.8
(b)(1) Ransom demanded or a demand upon the government (6 levels)	15	23.4
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	8	12.5
(b)(2)(B) Serious bodily injury (2 levels)	6	9.4
(b)(2)(C) Between permanent or life-threatening and serious bodily injury (3 levels)	1	1.6
(b)(3) Dangerous weapon used (2 levels)	38	59.4
(b)(4)(A) Victim not released before 30 days (2 levels)	3	4.7
(b)(4)(B) Victim not release before seven days (1 level)	0	0.0
(b)(5) Victim sexually exploited (6 levels)	11	17.2
(b)(6) Victim was a minor, and in exchange for money, in custody/care/control (3 levels)	0	0.0
(b)(7)(A) Abduction in connection with another crime (increase to applicable g'line)	1	1.6
(b)(7)(B) Abduction in connection with another crime (4 levels, no greater than level 43)	2	3.1
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	16	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	0	0.0
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	3	18.8
(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)	13	81.3
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(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)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§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	154	0.3
(a)(1) Conviction other than (a)(2) (Base offense level 12)	154	100.0
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	114	74.0
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	20	13.0
(b)(2)(A) More than two threats (2 levels)	54	35.1
(b)(2)(B) Convicted under 18 U.S.C. § 1521 and more than 2 false liens (2 levels)	2	1.3
(b)(3) Violation of a court protection order (2 levels)	2	1.3
(b)(4)(A) Disruption of public, governmental, or business functions (4 levels)	24	15.6
(b)(4)(B) Substantial expenditure of funds to clean or decontaminate (4 levels)	1	0.7
(b)(5) Convicted under 18 U.S.C. § 115, made a public threatening communication, and knew the communication created a substantial risk to violate 18 U.S.C. § 115 (2 levels)	1	0.7
(b)(6) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease) <sup>10</sup>	27	17.5
§2A6.2 Stalking or Domestic Violence	63	0.1
Chapter 2 Specific Offense Characteristic Adjustments	58	92.1
(b)(1)(A) Violation of court protection order (2 levels)	2	3.2
(b)(1)(B) Bodily injury (2 levels)	3	4.8
(b)(1)(C) Strangling, suffocating or an attempt to strangle or suffocate (2 levels)	0	0.0
(b)(1)(D) Possession, or threatened use of a dangerous weapon (2 levels)	2	3.2
(b)(1)(E) Pattern of activity stalking, threatening, or assaulting same victim (2 levels)	19	30.2
(b)(1)(A)-(E) Violation of more than one of above (4 levels)	32	50.8

<sup>10</sup> SOC was formerly §2A6.1(b)(5) and was redesignated §2A6.1(b)(6) on November 1, 2009. The statistics reflect all instances of the application of this SOC.



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Guideline and SOC	Applied	Percent
<b>Part B - Basic Economic Offenses</b>		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	4,298	7.3
(a)(1) Statutory maximum of 20 years or more (Base offense level 7)	1,755	40.8
(a)(2) Otherwise (Base offense level 6)	2,541	59.1
(a)Base offense level 4 <sup>11</sup>	1	0.0
(a) Base offense level 6 <sup>12</sup>	1	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3,623	84.3
(b)(1)(A) \$6,500 or less (0 levels)	940	21.9
(b)(1)(B) Between \$6,500 and \$15,000 (2 levels)	212	4.9
(b)(1)(C) Between \$15,000 and \$40,000 (4 levels)	418	9.7
(b)(1)(D) Between \$40,000 and \$95,000 (6 levels)	571	13.3
(b)(1)(E) Between \$95,000 and \$150,000 (8 levels)	314	7.3
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels) <sup>13</sup>	3	0.1
(b)(1)(F) Between \$150,000 and \$250,000 (10 levels)	353	8.2
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels) <sup>13</sup>	1	0.0
(b)(1)(F) Between \$200 and \$350,000 (10 levels) <sup>14</sup>	1	0.0
(b)(1)(G) Between \$250,000 and \$550,000 (12 levels)	423	9.8
(b)(1)(H) Between \$550,000 and \$1,500,000 (14 levels)	471	11.0
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels) <sup>13</sup>	1	0.0
(b)(1)(I) Between \$1,500,000 and \$3,500,000 (16 levels)	266	6.2
(b)(1)(J) Between \$3,500,000 and \$9,500,000 (18 levels)	184	4.3
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels) <sup>13</sup>	2	0.1
(b)(1)(K) Between \$9,500,000 and \$25,000,000 (20 levels)	75	1.7
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels) <sup>13</sup>	1	0.0
(b)(1)(L) Between \$25,000,000 and \$65,000,000 (22 levels)	40	0.9

<sup>11</sup> Base offense level was increased on November 1, 2001.

<sup>12</sup> Base offense level was increased on November 1, 2003.

<sup>13</sup> Threshold amount was changed for this SOC on November 1, 2015.

<sup>14</sup> Threshold amount was changed for this SOC on November 1, 2001.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	4,298	7.3
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels) <sup>13</sup>	3	0.1
(b)(1)(M) Between \$65,000,000 and \$150,000,000 (24 levels)	12	0.3
(b)(1)(N) Between \$150,00,000 and \$250,000,000 (26 levels)	4	0.1
(b)(1)(N) Between \$250,00,000 and \$550,000,000 (28 levels)	3	0.1
(b)(1)(P) More than \$550,000,000 (30 levels)	0	0.0
(b)(2)(A)(i) More than 10 victims (2 levels)	1,209	28.1
(b)(2)(A)(ii) Committed through mass marketing (2 levels)	27	0.6
(b)(2)(A)(iii) Resulted in financial hardship to one or more victims (2 levels)	83	1.9
(b)(2)(B) Resulted in financial hardship to five or more victims (4 levels)	38	0.9
(b)(2)(C) Resulted in financial hardship to 25 or more victims (6 levels)	17	0.4
(b)(3) Theft was from another person (2 levels) <sup>15</sup>	17	0.4
(b)(4) Receiving stolen property as a business (2 levels)	32	0.7
(b)(5) Theft or damage to a national cemetery (2 levels) <sup>16</sup>	0	0.0
(b)(6) Convicted under (A) 18 U.S.C. §1037 and (B) involved e-mail addresses through improper means (2 levels) <sup>17</sup>	0	0.0
(b)(7)(A)(i) Federal health care offense and loss to the Government was more than \$1,000,000 (2 levels) <sup>18</sup>	84	2.0
(b)(7)(A)(ii) Federal health care offense and loss to the Government was more than \$7,000,000 (3 levels) <sup>18</sup>	14	0.3
(b)(7)(A)(iii) Federal health care offense and loss to the Government was more than \$20,000,000 (4 levels) <sup>18</sup>	18	0.4

<sup>15</sup> SOC was formerly §2B1.1(b)(2) and redesignated §2B1.1(b)(3) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

<sup>16</sup> SOC was formerly §2B1.1(b)(6) and redesignated §2B1.1(b)(5) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>17</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(6) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

<sup>18</sup> SOC was created as §2B1.1(b)(8) on November 1, 2011 and redesignated §2B1.1(b)(7) on November 1, 2013. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	4,298	7.3
(b)(8)(A) Offense involved conduct described in 18 U.S.C. §670 (2 levels)	5	0.1
(b)(8)(B) Offense involved conduct described in 18 U.S.C. §670 and defendant was employed/agent of an organization in the supply chain for the pre-retail medical product (4 levels)	5	0.1
(b)(9)(A) Misrepresentation of acting on behalf of charitable, educational, religious or political organization or a government agency (2 levels, increase to level 10) <sup>19</sup>	48	1.1
(b)(9)(B) Misrepresentation during bankruptcy proceeding (2 levels, increase to lvl 10) <sup>19</sup>	35	0.8
(b)(9)(C) Violation of any prior judicial/administrative order (2 lvls, increase to lvl 10) <sup>19</sup>	25	0.6
(b)(9)(D) Misrepresentation in financial assistance for higher education (2 levels, increase to level 10) <sup>19</sup>	1	0.0
(b)(10)(A) Defendant relocated to evade law enforcement (2 levels, increase to lvl 12) <sup>20</sup>	65	1.5
(b)(10)(B) Most of scheme committed outside of U.S. (2 levels, increase to level 12) <sup>20</sup>	125	2.9
(b)(10)(C) Offense otherwise involved sophisticated means (2 lvls, increase to lvl 12) <sup>20</sup>	443	10.3
(b)(10)(C) Offense otherwise involved sophisticated means (1 level) <sup>20,21</sup>	1	0.0
(b)(11)(A)(i) Possession or use of any device-making equipment (2 levels, increase to level 12) <sup>22</sup>	211	4.9
(b)(11)(A)(ii) Possession or use of any authentication feature (2 lvls, increase to lvl 12) <sup>22</sup>	82	1.9
(b)(11)(B)(i) Production/trafficking of any unauthorized access device (2 levels, increase to level 12) <sup>22</sup>	103	2.4
(b)(11)(B)(ii) Production/trafficking authentication feature (2 lvls, increase to level 12) <sup>22</sup>	9	0.2
(b)(11)(C)(i) Use of means of ID unlawfully to produce/obtain (2 lvls, increase to level 12) <sup>22</sup>	193	4.5
(b)(11)(C)(ii) Possession of five or more means of ID (2 levels, increase to level 12) <sup>22</sup>	43	1.0

<sup>19</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(8) on November 1, 2004, and subsequently redesignated §2B1.1(b)(9) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>20</sup> SOC was formerly §2B1.1(b)(8) and redesignated §2B1.1(b)(9) on November 1, 2004, and subsequently redesignated §2B1.1(b)(10) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>21</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

<sup>22</sup> SOC was formerly §2B1.1(b)(9) and redesignated §2B1.1(b)(10) on November 1, 2004, and subsequently redesignated §2B1.1(b)(11) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

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§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	4,298	7.3
(b)(12) Conduct described in 18 U.S.C. § 1040 (2 levels, increase to level 12) <sup>23</sup>	19	0.4
(b)(13) Convicted under 42 U.S.C. § 408(a), § 1011(a), or § 1383(a) and the statutory maximum term of ten years' imprisonment (4 levels, if less than 12 increase to level 12)	0	0.0
(b)(14)(A) Misappropriation of trade secrets and defendant knew secret would be transported out of the United States (2 levels)	5	0.1
(b)(14)(B) Misappropriation of trade secrets to benefit foreign government (4 levels) <sup>24</sup>	2	0.1
(b)(15)(A) Organized scheme to steal vehicles or parts (2 levels, increase to level 14) <sup>25</sup>	30	0.7
(b)(15)(B) Organized scheme to steal goods that are part of a cargo shipment (2 levels, increase to level 14) <sup>26</sup>	1	0.0
(b)(16)(A) Conscious/reckless risk of death/serious bodily injury (2 levels, increase to level 14) <sup>27</sup>	24	0.6
(b)(16)(B) Possession of a dangerous weapon (2 levels, increase to level 14) <sup>27</sup>	13	0.3

<sup>23</sup> SOC was promulgated under as an “Emergency Amendment” on May 1, 2008 as §2B1.1(b)(16) and redesignated §2B1.1(b)(11) on November 1, 2008, and subsequently redesignated §2B1.1(b)(12) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>24</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(5) on November 1, 2001, redesignated §2B1.1(b)(13)(A) as well as increased to four levels on November 1, 2013, and §2B1.1(b)(14)(A) on November 1, 2018. The statistics reflect all instances of the application of the 4-level enhancement for this SOC.

<sup>25</sup> SOC was formerly §2B1.1(b)(5) and redesignated §2B1.1(b)(10) on November 1, 2001, subsequently redesignated §2B1.1(b)(11) on November 1, 2004, §2B1.1(b)(11)(A) on November 1, 2007, §2B1.1(b)(12)(A) on November 1, 2008, §2B1.1(b)(13)(A) on November 1, 2011, §2B1.1(b)(14)(A) on November 1, 2013, and §2B1.1(b)(15)(A) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>26</sup> SOC was formerly §2B1.1(b)(11)(B) and redesignated §2B1.1(b)(12)(B) on November 1, 2008, and subsequently redesignated §2B1.1(b)(13)(B) on November 1, 2011, §2B1.1(b)(14)(B) on November 1, 2013, and §2B1.1(b)(15)(B) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>27</sup> SOC was formerly §2B1.1(b)(11) and redesignated §2B1.1(b)(12) on November 1, 2004, subsequently redesignated §2B1.1(b)(13) on November 1, 2008, §2B1.1(b)(14) on November 1, 2011, §2B1.1(b)(15) on November 1, 2013, and §2B1.1(b)(16) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	4,298	7.3
(b)(17)(A) More than \$1,000,000 derived from financial institution (2 levels, increase to level 24) <sup>28</sup>	25	0.6
(b)(17)(B)(i) Jeopardized the safety and soundness of financial institution (4 levels, increase to level 24) <sup>29</sup>	7	0.2
(b)(17)(B)(ii) Substantially endangered solvency or financial security, publicly traded or had 1,000 or more employees (4 levels, increase to level 24) <sup>29</sup>	0	0.0
(b)(18)(A) Convicted of 18 U.S.C. § 1030 and involved an intent to obtain personal information (2 levels) <sup>30</sup>	22	0.5
(b)(18)(B) Involved unauthorized public dissemination of personal information (2 lvls) <sup>30</sup>	5	0.1
(b)(19)(A)(i) Convicted of 18 U.S.C. § 1030 and involved a computer system used to maintain an infrastructure (2 levels) <sup>31</sup>	3	0.1
(b)(19)(A)(ii) Convicted of 18 U.S.C. §1030(a)(5)(A) (4 levels) <sup>32</sup>	16	0.4
(b)(19)(A)(iii) Convicted of 18 U.S.C. §1030 and substantial disruption of a critical infrastructure (6 levels, increase to level 24) <sup>33</sup>	2	0.1

<sup>28</sup> SOC was formerly §2B1.1(b)(6)(A) and redesignated §2B1.1(b)(12)(A) on November 1, 2001, subsequently redesignated §2B1.1(b)(13)(A) on November 1, 2004, §2B1.1(b)(14)(A) on November 1, 2008, §2B1.1(b)(15)(A) on November 1, 2011, §2B1.1(b)(16)(A) on November 1, 2013, and §2B1.1(b)(17)(A) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>29</sup> SOC was formerly §2B1.1(b)(12)(B) and redesignated §2B1.1(b)(13)(B) on November 1, 2004, subsequently redesignated §2B1.1(b)(14)(B) on November 1, 2008, §2B1.1(b)(15)(B) on November 1, 2011, §2B1.1(b)(16)(B) on November 1, 2013, and §2B1.1(b)(17)(B) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>30</sup> SOC was promulgated as §2B1.1(b)(15) on November 1, 2009 and redesignated §2B1.1(b)(16) on November 1, 2011, §2B1.1(b)(17) on November 1, 2013, and §2B1.1(b)(18) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>31</sup> SOC was formerly §2B1.1(b)(13)(A)(i) and redesignated §2B1.1(b)(14)(A)(i) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(i) on November 1, 2008, §2B1.1(b)(16)(A)(i) on November 1, 2009, §2B1.1(b)(17)(A)(i) on November 1, 2011, §2B1.1(b)(18)(A)(i) on November 1, 2013, and §2B1.1(b)(19)(A)(i) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>32</sup> SOC was formerly §2B1.1(b)(13)(A)(ii) and redesignated §2B1.1(b)(14)(A)(ii) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(ii) on November 1, 2008, §2B1.1(b)(16)(A)(ii) on November 1, 2009, §2B1.1(b)(17)(A)(ii) on November 1, 2011, §2B1.1(b)(18)(A)(ii) on November 1, 2013, and §2B1.1(b)(19)(A)(ii) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>33</sup> SOC was formerly §2B1.1(b)(13)(A)(iii) and redesignated §2B1.1(b)(14)(A)(iii) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(iii), §2B1.1(b)(16)(A)(iii) on November 1, 2009, §2B1.1(b)(17)(A)(iii) on November 1, 2011, §2B1.1(b)(18)(A)(iii) on November 1, 2013, and §2B1.1(b)(19)(A)(iii) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	4,298	7.3
(b)(20)(A)(i) Violation of securities law and defendant was an officer of a publicly traded company (4 levels) <sup>34</sup>	14	0.3
(b)(20)(A)(ii) Violation of securities law and defendant was a registered broker (4 lvls) <sup>34</sup>	4	0.1
(b)(20)(A)(iii) Violation of securities law and defendant was an investment advisor (4 levels) <sup>34</sup>	11	0.3
(b)(20)(A)(iii) Violation of securities law and defendant was an investment advisor (2 levels) <sup>21,34</sup>	1	0.0
(b)(20)(B)(i) Violation of commodities law and defendant was an officer of a futures commission merchant (4 levels) <sup>34</sup>	0	0.0
(b)(20)(B)(ii) Violation of commodities law and defendant was a commodities advisor (4 levels) <sup>34</sup>	0	0.0
(b)(20)(B)(iii) Violation of commodities law and defendant was a commodity pool operator (4 levels) <sup>34</sup>	2	0.1
§2B1.4 Insider Trading	10	0.0
Chapter 2 Specific Offense Characteristic Adjustments	10	100.0
(b)(1) Loss less than \$6,500 (0 levels)	0	0.0
(b)(1) Loss between \$95,000 and \$150,000 (8 levels)	1	10.0
(b)(1) Loss between \$150,000 and \$250,000 (10 levels)	1	10.0
(b)(1) Loss between \$250,000 and \$550,000 (12 levels)	1	10.0
(b)(1) Loss between \$550,000 and \$1,500,000 (14 levels)	6	60.0
(b)(1) Loss between \$3,500,000 and \$9,500,000 (18 levels)	1	10.0
(b)(2) Offense involved an organized scheme to engage in insider trading (increase to 14)	0	0.0

<sup>34</sup> SOC was formerly §2B1.1(b)(14) and redesignated §2B1.1(b)(15) on November 1, 2004, subsequently redesignated §2B1.1(b)(16) on November 1, 2008, §2B1.1(b)(17) on November 1, 2009, §2B1.1(b)(18) on November 1, 2011, §2B1.1(b)(19) on November 1, 2013, and §2B1.1(b)(20) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.5 Theft or Damage of Cultural Heritage Resources	8	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	100.0
(b)(1)(A) Loss less than \$2,500 (0 levels)	1	12.5
(b)(1)(A) Loss between \$2,500 and \$6,500 (1 level)	1	12.5
(b)(1)(B) Loss between \$6,500 and \$15,000 (2 levels)	1	12.5
(b)(1)(B) Loss between \$15,000 and \$40,000 (4 levels)	1	12.5
(b)(1)(B) Loss between \$40,000 and \$95,000 (6 levels)	1	12.5
(b)(1)(B) Loss between \$150,000 and \$250,000 (10 levels)	3	37.5
(b)(2)(A) Offense involved national park system (2 levels)	4	50.0
(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)	1	12.5
(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)	0	0.0
(b)(2)(G) Offense involved the World Heritage List (2 levels)	0	0.0
(b)(3)(A) Offense involved human remains (2 levels)	0	0.0
(b)(3)(B) Offense involved a funerary object (2 levels)	0	0.0
(b)(3)(C) Offense involved cultural patrimony (2 levels)	1	12.5
(b)(3)(D) Offense involved a sacred object (2 levels)	0	0.0
(b)(3)(E) Offense involved cultural property (2 levels)	1	12.5
(b)(3)(F) Offense involved designated archaeological or ethnological material (2 levels)	3	37.5
(b)(3)(G) Offense involved a pre-Columbian monumental/architectural mural (2 levels)	0	0.0
(b)(4) Committed for pecuniary gain (2 levels)	0	0.0
(b)(5) Pattern of misconduct involving cultural heritage resources (2 levels)	0	0.0
(b)(6) Dangerous weapon brandished/threatened (2 levels, increase to level 14)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.6 Aggravated Identity Theft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2B2.1 Burglary of a Residence	36	0.1
(a)(1) Burglary of a residence (Base offense level 17)	8	22.2
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	28	77.8
Chapter 2 Specific Offense Characteristic Adjustments	24	66.7
(b)(1) More than minimal planning (2 levels)	14	38.9
(b)(2)(A) Loss \$5,000 or less (0 levels)	17	47.2
(b)(2)(B) Between \$5,000 and \$20,000 loss (1 level)	8	22.2
(b)(2)(C) Between \$20,000 and \$95,000 loss (2 levels)	11	30.6
(b)(2)(D) Between \$95,000 and \$500,000 loss (3 levels)	0	0.0
(b)(2)(E) Between \$500,000 and \$1,500,000 (4 levels)	0	0.0
(b)(2)(F) Between \$1,500,000 and \$3,000,000 (5 levels)	0	0.0
(b)(2)(G) Between \$3,000,000 and \$5,000,000 (6 levels)	0	0.0
(b)(2)(H) Between \$5,000,000 and \$9,500,000 (7 levels)	0	0.0
(b)(2)(I) More than \$9,500,000 (8 levels)	0	0.0
(b)(3) Firearm, destructive device or controlled substance taken (1 level)	15	41.7
(b)(4) Dangerous weapon possessed (2 levels)	6	16.7



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B2.3 Trespass	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	100.0
(b)(1)(A)(i) Occurred at a secured government facility (2 levels)	0	0.0
(b)(1)(A)(ii) Occurred at a nuclear energy facility (2 levels)	0	0.0
(b)(1)(A)(iii) Occurred on a vessel or aircraft of the United States (2 levels)	0	0.0
(b)(1)(A)(iv) Occurred in a secured area of an airport (2 levels)	0	0.0
(b)(1)(A)(v) Occurred at a residence (2 levels)	0	0.0
(b)(1)(A)(vi) Occurred at a cemetery under the control of National Cemetery Administration (2 levels)	0	0.0
(b)(1)(A)(vii) Any restricted building or grounds (2 levels)	0	0.0
(b)(1)(A)(viii)(I) Occurred on a computer system used to maintain/operate infrastructure (2 levels)	0	0.0
(b)(1)(A)(viii)(II) Occurred on a computer system used by or for a government entity in the administration of justice/national defense/ national security (2 levels)	0	0.0
(b)(1)(B) Occurred at the White House/Vice President's official residence (4 levels)	2	100.0
(b)(2) Dangerous weapon possessed (2 levels)	0	0.0
(b)(3)(A)(B)(i) Invasion of a computer, loss between \$2,500 and \$6,500 (1 level)	0	0.0
(b)(3)(A)(B)(ii) Invasion of a computer, loss according to §2B1.1 loss table	0	0.0
§2B3.1 Robbery	1,286	2.2
Chapter 2 Specific Offense Characteristic Adjustments	1,193	92.8
(b)(1) Financial institution or post offense subject of offense (2 levels)	524	40.8
(b)(2)(A) Firearm discharged (7 levels)	49	3.8
(b)(2)(B) Firearm otherwise used (6 levels)	141	11.0
(b)(2)(C) Firearm brandished or possessed (7 levels) <sup>21</sup>	1	0.1
(b)(2)(C) Firearm brandished or possessed (5 levels)	195	15.2
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	105	8.2
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	125	9.7
(b)(2)(F) Threat of death (2 levels)	142	11.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery (continued)	1,286	2.2
(b)(3)(A) Bodily injury occurred (2 levels)	97	7.5
(b)(3)(B) Serious bodily injury (4 levels)	34	2.6
(b)(3)(C) Permanent/life-threatening bodily injury (4 levels) <sup>21</sup>	1	0.1
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	17	1.3
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	6	0.5
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	1	0.1
(b)(4)(A) Person abducted during offense (4 levels)	118	9.2
(b)(4)(B) Person physically restrained during offense (2 levels)	165	12.8
(b)(5) Offense involved carjacking (2 levels)	173	13.5
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense (1 level)	110	8.6
(b)(7)(A) Loss less than \$20,000 (0 levels)	1,082	84.1
(b)(7)(A) Loss less than \$10,000 (0 levels) <sup>13</sup>	1	0.1
(b)(7)(B) Loss between \$20,000 and \$95,000 (1 level)	142	11.0
(b)(7)(C) Loss between \$95,000 and \$500,000 (2 levels)	52	4.0
(b)(7)(D) Loss between \$500,000 and \$1,500,000 (3 levels)	9	0.7
(b)(7)(E) Loss between \$1,500,000 and \$3,000,000 (4 levels)	0	0.0
(b)(7)(F) Loss between \$3,000,000 and \$5,000,000 (5 levels)	0	0.0
(b)(7)(G) Loss between \$5,000,000 and \$9,500,000 (6 levels)	0	0.0
(b)(7)(H) Loss more than \$9,500,000 (7 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.2 Extortion by Force	21	0.0
Chapter 2 Specific Offense Characteristic Adjustments	20	95.2
(b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels)	18	85.7
(b)(2) Amount less than \$20,000 (0 levels)	11	52.4
(b)(2) Amount demanded between \$20,000 and \$95,000 (1 level)	3	14.3
(b)(2) Amount demanded between \$95,000 and \$500,000 (2 levels)	4	19.1
(b)(2) Amount demanded between \$500,000 and \$1,500,000 (3 levels)	3	14.3
(b)(3)(A)(i) Firearm discharged (7 levels)	1	4.8
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	3	14.3
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	0	0.0
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	1	4.8
(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)	0	0.0
(b)(3)(B)(i)(II) Offense involved preparation to carry out threat of serious bodily injury (3 levels)	0	0.0
(b)(3)(B)(i)(III) Offense involved preparation to carry out threat of kidnaping (3 lvs)	0	0.0
(b)(3)(B)(i)(IV) Offense involved preparation to carry out threat of product tampering (3 lvs)	1	4.8
(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) Participants demonstrated ability to carry out a threat described in (i)(I) through (i)(V) (3 levels)	0	0.0
(b)(4)(A) Bodily injury (2 levels)	1	4.8
(b)(4)(B) Serious bodily injury (4 levels)	2	9.5
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(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)	0	0.0
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	1	4.8

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.3 Blackmail and Other Forms of Extortion	13	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	92.3
(b)(1)(A) Amount demanded less than \$2,500 (0 levels)	1	7.7
(b)(1)(A) Amount demanded between \$2,500 and \$6,500 (1 level)	1	7.7
(b)(1)(B) Amount demanded between \$6,500 and \$15,000 (2 levels)	3	23.1
(b)(1)(B) Amount demanded between \$15,000 and \$40,000 (4 levels)	2	15.4
(b)(1)(B) Amount demanded between \$95,000 and \$150,000 (8 levels)	1	7.7
(b)(1)(B) Amount demanded between \$150,000 and \$250,000 (10 levels)	1	7.7
(b)(1)(B) Amount demanded between \$1,500,000 and 3,500,000 (16 levels)	1	7.7
(b)(1)(B) Amount demanded between \$25,000,000 and \$65,000,000 (22 levels)	1	7.7
(b)(1)(B) Amount demanded between \$150,000,000 and \$250,000,000 (26 levels)	2	15.4
§2B4.1 Bribery in Procurement of Bank Loan and Other Commercial Bribery	78	0.1
Chapter 2 Specific Offense Characteristic Adjustments	78	100.0
(b)(1)(A) Bribe less than \$2,500 (0 levels)	0	0.0
(b)(1)(A) Bribe between \$2,500 and \$6,500 (1 level)	0	0.0
(b)(1)(B) Bribe between \$6,500 and \$15,000 (2 levels)	2	2.6
(b)(1)(B) Bribe between \$15,000 and \$40,000 (4 levels)	5	6.4
(b)(1)(B) Bribe between \$40,000 and \$95,000 (6 levels)	5	6.4
(b)(1)(B) Bribe between \$95,000 and \$150,000 (8 levels)	5	6.4
(b)(1)(B) Bribe between \$150,000 and \$250,000 (10 levels)	10	12.8
(b)(1)(B) Bribe between \$250,000 and \$550,000 (12 levels)	17	21.8
(b)(1)(B) Bribe between \$550,000 and \$1,500,000 (14 levels)	20	25.6
(b)(1)(B) Bribe between \$1,500,000 and \$3,500,000 (16 levels)	9	11.5
(b)(1)(B) Bribe between \$3,500,000 and \$9,500,000 (18 levels)	2	2.6
(b)(1)(B) Bribe between \$9,500,000 and \$25,000,000 (20 levels)	2	2.6
(b)(1)(B) Bribe between \$65,000,000 and \$150,000,000 (24 levels)	1	1.3
(b)(2)(A) Defendant derived more than \$1,000,000 from financial institution (2 levels, increase to level 24)	3	3.8
(b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels, increase to level 24)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.1 Offenses involving Counterfeit Bearer Obligations	158	0.3
Chapter 2 Specific Offense Characteristic Adjustments	135	85.4
(b)(1)(A) Items valued less than \$2,500 (0 levels)	57	36.1
(b)(1)(A) Items valued between \$2,500 and \$6,500 (1 level)	39	24.7
(b)(1)(B) Items valued between \$6,500 and \$15,000 (2 levels)	29	18.4
(b)(1)(B) Items valued between \$15,000 and \$40,000 (4 levels)	16	10.1
(b)(1)(B) Items valued between \$40,000 and \$95,000 (6 levels)	10	6.3
(b)(1)(B) Items valued between \$95,000 and \$150,000 (8 levels)	4	2.5
(b)(1)(B) Items valued between \$150,000 and \$250,000 (10 levels)	1	0.6
(b)(1)(B) Items valued between \$250,000 and \$550,000 (12 levels)	2	1.3
(b)(2)(A) Defendant manufactured/produced any actual counterfeit material (2 levels)	18	11.4
(b)(2)(B)(i) Defendant controlled/possessed counterfeiting paper similar to distinctive paper (2 lvs)	1	0.6
(b)(2)(B)(ii) Defendant controlled/possessed genuine United States currency paper from which the ink has been completely or partially removed (2 levels)	8	5.1
(b)(2)(B)(iii) Defendant controlled/possessed a device identical to a distinctive counterfeit deterrent (2 levels) <sup>35</sup>	1	0.6
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to level 15	69	43.7
(b)(3) Subsection (b)(2)(B)(ii) applies and offense level less than 15, increase to level 15 <sup>21</sup>	1	0.6
(b)(4) Dangerous weapon possessed (2 levels, increase to level 13)	5	3.2
(b)(5) Offense committed outside of United States (2 levels) <sup>36</sup>	4	2.5

<sup>35</sup> SOC was formerly §2B5.1(b)(2)(B)(ii) and redesignated §2B5.1(b)(2)(B)(iii) on November 1, 2009. The statistics reflect all instances of the application of this SOC.

<sup>36</sup> SOC was formerly §2B5.1(b)(4) and redesignated §2B5.1(b)(5) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.3 Criminal Infringement of Copyright or Trademark	37	0.1
Chapter 2 Specific Offense Characteristic Adjustments	37	100.0
(b)(1)(A) Infringement less than \$2,500 (0 levels)	1	2.7
(b)(1)(A) Infringement amount between \$2,500 and \$6,500 (1 level)	1	2.7
(b)(1)(B) Infringement amount between \$6,500 and \$15,000 (2 levels)	2	5.4
(b)(1)(B) Infringement amount between \$15,000 and \$40,000 (4 levels)	4	10.8
(b)(1)(B) Infringement amount between \$40,000 and \$95,000 (6 levels)	3	8.1
(b)(1)(B) Infringement amount between \$95,000 and \$150,000 (8 levels)	2	5.4
(b)(1)(B) Infringement amount between \$150,000 and \$250,000 (10 levels)	5	13.5
(b)(1)(B) Infringement amount between \$250,000 and \$550,000 (12 levels)	4	10.8
(b)(1)(B) Infringement amount between \$550,000 and \$1,500,000 (14 levels)	9	24.3
(b)(1)(B) Infringement amount between \$1,500,000 and \$3,500,000 (16 levels)	3	8.1
(b)(1)(B) Infringement amount between \$3,500,000 and \$9,500,000 (18 levels)	1	2.7
(b)(1)(B) Infringement amount between \$7,000,000 and \$20,000,000 (20 levels) <sup>13</sup>	2	5.4
(b)(2) Display of a work being prepared for commercial distribution (2 levels)	3	8.1
(b)(3)(A) Manufacturing/importation/uploading infringed items (2 lvls, increase to lvl 12) <sup>37</sup>	29	78.4
(b)(3)(B) Convicted under 17 U.S.C. §§ 1201 and 1204 for trafficking in circumvention devices (2 levels, increase to level 12)	0	0.0
(b)(4) Not committed for commercial advantage or private gain (2 level decrease, not less than level 8) <sup>38</sup>	1	2.7
(b)(5) Counterfeit drug involved (2 levels)	2	5.4

<sup>37</sup> SOC was formerly §2B5.3(b)(2) and redesignated §2B5.3(b)(3) on November 1, 2005, and subsequently redesignated §2B5.3(b)(3)(A) on November 1, 2007. The statistics reflect all instances of the application of this SOC.

<sup>38</sup> SOC was formerly §2B5.3(b)(3) and redesignated §2B5.3(b)(4) on November 1, 2005. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.3 Criminal Infringement of Copyright or Trademark (continued)	37	0.1
(b)(6)(A) Conscious/reckless risk of serious bodily injury (2 lvls, increase to level 14) <sup>39</sup>	0	0.0
(b)(6)(B) Possession of a dangerous weapon (2 levels, increase to level 14) <sup>40</sup>	0	0.0
(b)(7)(A) Counterfeit military goods or services, the use of which likely to cause disclosure of classified information (2 levels, increase to level 14)	0	0.0
(b)(7)(B) Counterfeit military goods or services, the use of which likely to cause impairment of combat operations (2 levels, increase to level 14)	0	0.0
(b)(7)(C)(i) Counterfeit military goods or services, the use of which likely to cause other significant harm to combat operations (2 levels, increase to level 14)	0	0.0
(b)(7)(C)(ii) Counterfeit military goods or services, the use of which likely to cause other significant harm to a member of the Armed Forces (2 levels, increase to level 14)	0	0.0
(b)(7)(C)(iii) Counterfeit military goods or services, the use of which likely to cause other significant harm to national security (2 levels, increase to level 14)	0	0.0
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	100.0
(b)(1)(A) Retail value less than \$2,500 (0 levels)	0	0.0
(b)(1)(A) Retail value between \$2,500 and \$6,500 (1 level)	0	0.0
(b)(1)(B) Retail value between \$250,000 and \$550,000 (12 levels)	1	50.0
(b)(1)(B) Retail value between \$550,000 and \$1,500,000 (14 levels)	1	50.0
(b)(2) Defendant in the business of receiving and selling stolen property (2 levels)	2	100.0
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	0	0.0

<sup>39</sup> SOC was formerly §2B5.3(b)(4) and redesignated §2B5.3(b)(5) on November 1, 2005, and subsequently redesignated §2B5.3(b)(6) on November 1, 2013. The statistics reflect all instances of the application of this SOC. The floor was increased from level 13 to level 14 on November 1, 2010.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part C - Offenses Involving Public Officials</b>		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	137	0.2
(a)(1) If the defendant was a public official (Base offense level 14)	67	48.9
(a)(2) Otherwise (Base offense level 12)	70	51.1
Chapter 2 Specific Offense Characteristic Adjustments	126	92.0
(b)(1) Offense involved more than one bribe or extortion (2 levels)	102	74.5
(b)(2) Value of payment or loss less than \$6,500 (0 levels)	46	33.6
(b)(2) Value of payment or loss between \$6,500 and \$15,000 (2 levels)	19	13.9
(b)(2) Value of payment or loss between \$15,000 and \$40,000 (4 levels)	12	8.8
(b)(2) Value of payment or loss between \$40,000 and \$95,000 (6 levels)	16	11.7
(b)(2) Value of payment or loss between \$95,000 and \$150,000 (8 levels)	3	2.2
(b)(2) Value of payment or loss between \$150,000 and \$250,000 (10 levels)	3	2.2
(b)(2) Value of payment or loss between \$250,000 and \$550,000 (12 levels)	6	4.4
(b)(2) Value of payment or loss between \$550,000 and \$1,500,000 (14 levels)	8	5.8
(b)(2) Value of payment or loss between \$1,500,000 and \$3,500,000 (16 levels)	9	6.8
(b)(2) Value of payment or loss between \$3,500,000 and \$9,500,000 (18 levels)	7	5.1
(b)(2) Value of payment or loss between \$9,500,000 and \$25,000,000 (20 levels)	2	1.5
(b)(2) Value of payment or loss between \$25,000,000 and \$65,000,000 (22 levels)	3	2.2
(b)(2) Value of payment or loss between \$65,000,000 and \$150,000,000 (24 levels)	3	2.2
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	49	35.8
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 levels)	0	0.0
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 levels)	0	0.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 levels)	1	0.7



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	8	0.0
(a)(2) Defendant was a public official (Base offense level 11)	2	25.0
(a)(2) Otherwise (Base offense level 9)	6	75.0
Chapter 2 Specific Offense Characteristic Adjustments	8	100.0
(b)(1) More than one gratuity (2 levels)	7	87.5
(b)(2) Gratuity less than \$6,500 (0 levels)	0	0.0
(b)(2) Gratuity between \$6,500 and \$15,000 (2 levels)	1	12.5
(b)(2) Gratuity between \$15,000 and \$40,000 (4 levels)	2	25.0
(b)(2) Gratuity between \$40,000 and \$95,000 (6 levels)	2	25.0
(b)(2) Gratuity between \$250,000 and \$550,000 (12 levels)	2	25.0
(b)(2) Gratuity between \$550,000 and \$1,500,000 (14 levels)	1	12.5
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 15)	0	0.0
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 levels)	0	0.0
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 levels)	0	0.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 levels)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	20.0
(b)(1) Actual or planned harm to the government (4 levels)	1	20.0
§2C1.5 Payments to Obtain Public Office	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.8 Making/Receiving/Failure to Report a Contribution in Violation of the Federal Election Campaign Act	9	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	100.0
(b)(1) Contribution less than \$6,500 (0 levels)	0	0.0
(b)(1) Contribution between \$15,000 and \$40,000 (4 levels)	1	11.1
(b)(1) Contribution between \$40,000 and \$95,000 (6 levels)	3	33.3
(b)(1) Contribution between \$150,000 and \$250,000 (10 levels)	4	44.4
(b)(1) Contribution between \$250,000 and \$550,000 (12 levels)	1	11.1
(b)(2)(A) Offense involved an illegal transaction made/received by/from a foreign national (2 levels)	1	11.1
(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)	1	11.1
(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)	5	55.6
(b)(5) Offense involved contribution/donation made/obtained through intimidation/coercion (4 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part D - Offenses Involving Drugs</b>		
§2D1.1 Drug Trafficking	15,711	26.5
(a)(1) Convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C) or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3) and death/serious bodily injury after more than one prior conviction for similar offense (Base offense level 43)	13	0.1
(a)(2) Convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C) or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3) and death/serious bodily injury (Base offense level 38)	69	0.4
(a)(5) Base offense level 38	1,135	7.2
(a)(5) Base offense level 36	728	4.6
(a)(5) Base offense level 34	1,153	7.3
(a)(5)(B)(iii) Mitigating role received and BOL 38, decrease by four levels to BOL 34	763	4.9
(a)(5)(B)(ii) Mitigating role received and BOL 36, decrease by three levels to BOL 33	243	1.6
(a)(5) Base offense level 32	1,703	10.8
(a)(5)(B)(iv) Minimal participant role received, decrease to BOL 32	59	0.4
(a)(5)(B)(ii) Mitigating role received and BOL is 34, decrease three levels to BOL 31	261	1.7
(a)(3) Convicted under 21 U.S.C. § 841(b)(1)(E) or 21 U.S.C. § 960(b)(5) and death/serious bodily injury after more than one prior conviction for similar offense (Base offense level 30)	0	0.0
(a)(5) Base offense level 30	2,464	15.7
(a)(5)(B)(i) Mitigating role received and BOL is 32, decrease by two levels to BOL 30	294	1.9
(a)(5) Base offense level 28	722	4.6
(a)(4) Convicted under 21 U.S.C. §§ 841(b)(1)(E) or 960(b)(5) and death/serious bodily injury resulted from use of substance (Base offense level 26)	0	0.0
(a)(5) Base offense level 26	927	5.9
(a)(5) Base offense level 24	2,324	14.8
(a)(5) Base offense level 22	396	2.5
(a)(5) Base offense level 20	300	1.9
(a)(5) Base offense level 18	461	2.9
(a)(5) Base offense level 16	536	3.4

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	15,711	26.5
(a)(5) Base offense level 14	333	2.1
(a)(5) Base offense level 12	604	3.8
(a)(5) Base offense level 10	50	0.3
(a)(5) Base offense level 8	39	0.3
(a)(5) Base offense level 6	134	0.9
Chapter 2 Specific Offense Characteristic Adjustments	8,251	52.5
(b)(1) Dangerous weapon possessed (two levels)	2,669	17.0
(b)(2) Defendant used violence, threat of violence or directed violence (2 levels)	176	1.1
(b)(3)(A) Aircraft used to import or export the controlled substance (2 lvls, increase to lvl 26) <sup>40</sup>	20	0.1
(b)(3)(B) A submersible/semi-submersible vessel was used (2 levels, increase to level 26) <sup>40</sup>	23	0.2
(b)(3)(C) Defendant acted as pilot or any operation officer (2 levels, increase to level 26) <sup>41</sup>	47	0.3
(b)(4) Distribution in a prison (2 levels) <sup>42</sup>	101	0.6
(b)(5) Importation of methamphetamine from unlawfully imported material (2 levels) <sup>43</sup>	597	3.8
(b)(6) Defendant convicted under 21 U.S.C. § 865 (2 levels) <sup>44</sup>	1	0.0
(b)(7) Defendant distributed through mass marketing (2 levels) <sup>45</sup>	51	0.3
(b)(8) Distribution of an anabolic steroid and a masking agent (2 levels) <sup>46</sup>	0	0.0

<sup>40</sup> SOC was formerly §2D1.1(b)(2) and redesignated §2D1.1(b)(3) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>41</sup> SOC was formerly §2D1.1(b)(2)(B) and redesignated §2D1.1(b)(2)(C) on November 1, 2009 and subsequently redesignated §2D1.1(b)(3)(C) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>42</sup> SOC was formerly §2D1.1(b)(3) and redesignated §2D1.1(b)(4) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>43</sup> SOC was formerly §2D1.1(b)(4) and redesignated §2D1.1(b)(5) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>44</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>45</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on March 1, 2007, and subsequently redesignated §2D1.1(b)(7) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>46</sup> SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(7) on March 1, 2007, and subsequently redesignated §2D1.1(b)(8) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	15,711	26.5
(b)(9) Distribution of an anabolic steroid to an athlete (2 levels) <sup>47</sup>	2	0.0
(b)(10) Defendant convicted under 21 U.S.C. §841(g)(1)(A) (2 levels) <sup>48</sup>	0	0.0
(b)(11) Bribed or attempted to bribe law enforcement to facilitate offense (2 levels)	10	0.1
(b)(12) Maintained a premises to manufacture/distribute controlled substance (2 levels)	1,176	7.5
(b)(13) Defendant knowingly misrepresented or marketed as another substance a mixture or substance containing fentanyl or a fentanyl protocol (4 levels)	26	0.2
(b)(14)(A)(i) Unlawful discharge of hazardous waste into the environment (2 levels) <sup>49</sup>	3	0.0
(b)(14)(A)(ii) Unlawful transportation of hazardous waste (2 levels) <sup>49</sup>	8	0.1
(b)(14)(B) Convicted under 21 U.S.C. § 860a with minor present (2 levels, increase to level 14)	10	0.1
(b)(14)(C)(i) Convicted of meth under 21 U.S.C. § 860a with minor present (3 levels, increase to level 27) <sup>50</sup>	2	0.0
(b)(14)(C)(ii) Manufacturing of meth creating substantial risk to humans/environment (3 levels, increase to level 27) <sup>51</sup>	4	0.0
(b)(14)(D) Manufacturing of meth creating substantial risk to minor (6 levels, increase to level 30) <sup>52</sup>	1	0.0

<sup>47</sup> SOC was formerly §2D1.1(b)(7) and redesignated §2D1.1(b)(8) on March 1, 2007, and subsequently redesignated §2D1.1(b)(9) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>48</sup> SOC was formerly §2D1.1(b)(9) and redesignated §2D1.1(b)(10) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>49</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10) on March 1, 2007, §2D1.1(b)(13) on November 1, 2010, and §2D1.1(b)(14) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>50</sup> SOC was created as §2D1.1(b)(10)(C)(i) on November 1, 2007, subsequently redesignated §2D1.1(b)(13)(C)(i) on November 1, 2010, and §2D1.1(b)(14)(C)(i) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>51</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10)(C)(ii) on March 1, 2007, §2D1.1(b)(13)(C)(ii) on November 1, 2010, and §2D1.1(b)(14)(C)(ii) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>52</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10)(C) on March 1, 2007, §2D1.1(b)(10)(D) on November 1, 2007, §2D1.1(b)(13)(D) on November 1, 2010, and §2D1.1(b)(14)(D) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	15,711	26.5
(b)(15) Aggravating Role and offense involved cultivation of marihuana on state or federal land (2 levels) <sup>53</sup>	3	0.0
(b)(16)(A) Aggravating Role and defendant used fear, received little compensation and had minimal knowledge (2 levels) <sup>54</sup>	8	0.1
(b)(16)(B)(i) Aggravating Role, defendant knew an individual was less than 18 (2 lvls) <sup>54</sup>	17	0.1
(b)(16)(B)(ii) Aggravating Role and defendant knew an individual was 65 or more years of age (2 levels) <sup>54</sup>	0	0.0
(b)(16)(B)(iii) Aggravating Role and defendant knew an individual was pregnant (2 levels) <sup>54</sup>	2	0.0
(b)(16)(B)(iv) Aggravating Role and defendant knew an individual was unusually vulnerable (2 levels) <sup>54</sup>	1	0.0
(b)(16)(C) Aggravating Role and defendant directly imported substance (2 levels) <sup>54</sup>	37	0.2
(b)(16)(D) Aggravating Role and defendant engaged in witness intimidation (2 levels) <sup>54</sup>	11	0.1
(b)(16)(E) Aggravating Role and defendant committed the offense as part of a pattern of criminal conduct as a livelihood (2 levels) <sup>54</sup>	41	0.3
(b)(17) Minimal Participant and defendant was motivated by familial relationships and received no compensation and had minimal knowledge (2 level decrease) <sup>55</sup>	49	0.3
(b)(18) Safety Valve (2 level decrease) <sup>56</sup>	4,593	29.2

<sup>53</sup> SOC was formerly §2D1.1(b)(14) and redesignated §2D1.1(b)(15) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

<sup>54</sup> SOC was formerly §2D1.1(b)(14), redesignated §2D1.1(b)(15) on November 1, 2014, and §2D1.1(b)(16) on November 1, 2018. The statistics reflect all instances of the application of the SOC.

<sup>55</sup> SOC was formerly §2D1.1(b)(15), redesignated §2D1.1(b)(16) on November 1, 2014, and §2D1.1(b)(17) on November 1, 2018. The statistics reflect all instances of the application of the SOC.

<sup>56</sup> SOC was formerly §2D1.1(b)(6), redesignated §2D1.1(b)(7) on November 1, 2004, and subsequently redesignated §2D1.1(b)(9) on March 1, 2006, §2D1.1(b)(11) on March 1, 2007, §2D1.1(b)(16) on November 1, 2010, §2D1.1(b)(17) on November 1, 2014, and §2D1.1(b)(18) on November 1, 2018. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug Offenses Occurring Near Protected Location or Involving Underage or Pregnant Individuals	293	0.5
(a)(2) Base offense level 37	2	0.7
(a)(2) Base offense level 36	8	2.7
(a)(2) Base offense level 35	7	2.4
(a)(1) Base offense level 34	5	1.7
(a)(2) Base offense level 33	5	1.7
(a)(1) Base offense level 32	10	3.4
(a)(2) Base offense level 31	9	3.1
(a)(1) Base offense level 30	27	9.2
(a)(2) Base offense level 29	1	0.3
(a)(1) Base offense level 28	63	21.5
(a)(2) Base offense level 27	2	0.7
(a)(1) Base offense level 26	20	6.8
(a)(3) Offense involved a person less than 18 years of age (Base offense level 26)	2	0.7
(a)(2) Base offense level 25	3	1.0
(a)(1) Base offense level 24	21	7.2
(a)(2) Base offense level 23	1	0.3
(a)(1) Base offense level 22	15	5.1
(a)(2) Base offense level 21	1	0.3
(a)(1) Base offense level 20	25	8.5
(a)(2) Base offense level 19	4	1.4
(a)(1) Base offense level 18	7	2.4
(a)(2) Base offense level 17	9	3.1

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug Offenses Occurring Near Protected Location or Involving Underage or Pregnant Individuals (continued)	293	0.5
(a)(1) Base offense level 16	19	6.5
(a)(2) Base offense level 15	1	0.3
(a)(1) Base offense level 14	22	7.5
(a)(2) Base offense level 13	1	0.3
(a)(4) Otherwise (Base offense level 13)	2	0.7
(a) Base offense level 12 <sup>57</sup>	1	0.3
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.5 Continuing Criminal Enterprise	6	0.0
(a)(1) Base offense level 50	1	16.7
(a)(1) Base offense level 46	1	16.7
(a)(1) Base offense level 44	1	16.7
(a)(1) Base offense level 42	3	50.0
(a)(2) Base offense level 38	0	0.0
No Specific Characteristics for this guideline	NA	NA
§2D1.6 Use of Communication Facility in Committing Drug Offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.8 Renting or Managing a Drug Establishment	16	0.0
(a)(1) Offense Level from §2D1.1 from underlying offense - Base offense level 26	0	0.0
(a)(2) Base offense level 26	11	68.8
(a)(2) Base offense level 24	2	12.5
(a)(2) Base offense level 22	1	6.3
(a)(2) Base offense level 14	1	6.3
(a)(2) Base offense level 8	1	6.3
No Specific Offense Characteristics for this guideline	NA	NA

<sup>57</sup> This base offense level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§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	1	0.0
(a)(1) Three plus the offense level from the drug quantity table in §2D1.1 (BOL 27)	1	100.0
(a)(1) Three plus the offense level from the drug quantity table in §2D1.1 (BOL 20)	0	0.0
(a)(2) Base offense level 20	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels, increase to level 27)	0	0.0
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels, increase to level 30)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	5	0.0
(a)(B)(iii) Mitigating role received and BOL is 38, decrease four levels to BOL 34	0	0.0
(a) Base offense level 32	1	20.0
(a)(B)(ii) Mitigating role received and BOL is 34, decrease three levels to BOL 31	0	0.0
(a) Base offense level 30	3	60.0
(a)(B)(i) Mitigating role received and BOL is 32, decrease two levels to BOL 30	0	0.0
(a) Base offense level 18	1	20.0
Chapter 2 Specific Offense Characteristic Adjustments	3	60.0
(b)(1) Dangerous weapon possessed (2 levels)	1	20.0
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	0	0.0
(b)(3)(A) Unlawful discharge/emission/release into environment of hazardous substance (2 levels)	0	0.0
(b)(3)(B) Unlawful transportation of hazardous substance (2 levels)	0	0.0
(b)(4) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(5) Convicted under 21 U.S.C. § 865 (2 levels)	0	0.0
(b)(6) Safety Valve (2 level decrease)	2	40.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	3	0.0
(a)(1) Defendant intended to manufacture a controlled substance (BOL 12)	0	0.0
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	3	100.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Defendant intended to manufacture methamphetamine (2 levels)	0	0.0
(b)(1)(B) Defendant knew material was used to manufacture methamphetamine (2 lvls)	0	0.0
(b)(2)(A) Offense involved discharge of a hazardous substance (2 levels)	0	0.0
(b)(2)(B) Unlawful transportation of a hazardous substance (2 levels)	0	0.0
(b)(3) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(4) Offense involved stealing or transporting stolen anhydrous ammonia (6 levels)	0	0.0
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	0	0.0
(a)(1) Offense level from §2D1.11 if defendant knew chemical was to be used to manufacture a controlled substance	0	0.0
(a)(2) Offense level from §2D1.11 reduced by 3 levels if defendant had no reason to believe chemical was to be used to manufacture a controlled substance	0	0.0
(a)(3) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.14 Narco-Terrorism	0	0.0
(a)(1) Offense level from §2D1.1	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) if §3A1.4 (Terrorism) does not apply (6 levels)	0	0.0
§2D2.1 Unlawful Possession	131	0.2
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	50	38.2
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	14	10.7
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	67	51.2
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	63	0.1
No Specific Offense Characteristics for this guideline	NA	NA

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0
(a)(1) Death resulted (Base Offense Level 26)	0	0.0
(a)(2) Serious bodily injury resulted (Base Offense Level 21)	0	0.0
(a)(3) Otherwise (Base Offense Level 13)	0	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**  
**Offender Based**  
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Guideline and SOC	Applied	Percent
<b>Part E - Offenses Involving Criminal Enterprises and Racketeering</b>		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	25	0.0
(a)(1) Base offense level 19	25	100.0
(a)(2) Base 19 - Offense level from applicable underlying racketeering offense	0	0.0
(a)(2) Other Base Offense level based on applicable underlying racketeering offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	2	0.0
(a)(1) Base offense level 6	2	100.0
(a)(2) Base offense level applicable to underlying crime of violence	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.3 Violent Crimes in Aid of Racketeering Activity	1	0.0
(a)(1) Base offense level 12	1	100.0
(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	6	0.0
(a)(1) Base offense level 32	6	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

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**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E2.1 Making or Financing an Extortionate Extension of Credit	7	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	14.3
(b)(1)(A) Firearm discharged (5 levels)	0	0.0
(b)(1)(B) Dangerous weapon otherwise used (4 levels)	1	14.3
(b)(1)(C) Dangerous weapon brandished or possessed (3 levels)	0	0.0
(b)(2)(A) Bodily injury (2 levels)	0	0.0
(b)(2)(B) Serious bodily injury (4 level)	1	14.3
(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)	0	0.0
(b)(3)(B) Person physically restrained to facilitate commission (2 levels)	0	0.0
§2E3.1 Gambling Offenses	22	0.0
(a)(1) Offense involved an animal fighting venture, except in (a)(3) (BOL 16)	9	40.9
(a)(2)(A) Offense was engaging in a gambling business (Base offense level 12)	13	59.1
(a)(2)(B) Offense was transmission of wagering information (Base offense level 12)	0	0.0
(a)(2)(C) Offense was committed to facilitate a gambling operation (BOL 12)	0	0.0
(a)(2) Defendant convicted under 7 U.S.C. §2156(a)(2)(B) (Base offense level 10)	0	0.0
(a)(4) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	28	0.0
(a)(1) Base offense level 9	0	0.0
(a)(2) Loss between \$15,000 and \$40,000 (Base offense level 12)	1	3.6
(a)(2) Loss between \$40,000 and \$100,000 (Base offense level 14)	8	28.6
(a)(2) Loss between \$100,000 and \$250,000 (Base offense level 16)	7	25.0
(a)(2) Loss between \$250,000 and \$550,000 (Base offense level 18)	3	10.7
(a)(2) Loss between \$550,000 and \$1,500,000 (Base offense level 20)	6	21.4
(a)(2) Loss between \$1,500,000 and \$3,500,000 (Base offense level 22)	1	3.6
(a)(2) Loss between \$3,500,000 and \$9,500,000 (Base offense level 24)	1	3.6
(a)(2) Loss between \$9,500,000 and \$25,000,000 (Base offense level 26)	1	3.6
No Specific Offense Characteristics for this guideline	NA	NA
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	3	0.0
(a)(1) Bribe involved (Base offense level 10)	3	100.0
(a)(2) Gratuity involved (Base offense level 6)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	100.0
(b)(1) Defendant was a fiduciary of the benefit plan or labor organization (2 levels)	2	66.7
(b)(2)(A) Value of prohibited payment less than \$2,500 (0 levels)	0	0.0
(b)(2)(A) Value of prohibited payment between \$2,500 and \$6,500 (1 level)	0	0.0
(b)(2)(B) Value of prohibited payment between \$40,000 and \$95,000 (6 levels)	1	33.3
(b)(2)(B) Value of prohibited payment between \$95,000 and \$150,000 (8 levels)	1	33.3
(b)(2)(A) Value of prohibited payment between \$1,500,000 and \$3,500,000 (16 level)	1	33.3
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	1	0.0
(a)(1) Base offense level 6	1	100.0
(a)(2) Theft or embezzlement concealed (BOL 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**  
**Offender Based**  
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Guideline and SOC	Applied	Percent
<b>Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity</b>		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	38	0.1
(a)(1) Offense of conviction for 18 U.S.C. § 1591(b)(1) (Base offense level 34)	9	23.7
(a)(2) Otherwise (Base offense level 14)	29	76.3
Chapter 2 Specific Offense Characteristic Adjustments	9	23.7
(b)(1) Offense involved fraud or coercion (4 levels)	9	23.7
§2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor	303	0.5
(a)(1) Conviction under 18 U.S.C. § 1591(b)(1) (Base offense level 34)	12	4.0
(a)(2) Conviction under 18 U.S.C. § 1591(b)(2) (Base offense level 30)	52	17.2
(a)(3) Conviction under 18 U.S.C. § 2422(b) or § 2423(a) (Base offense level 28)	149	49.2
(a)(4) Otherwise (Base offense level 24)	90	29.7
Chapter 2 Specific Offense Characteristic Adjustments	297	98.0
(b)(1)(A) Defendant was a parent/relative/guardian of the minor (2 levels)	9	3.0
(b)(1)(B) Defendant was in custody, care or control of victim (2 levels)	12	4.0
(b)(2)(A) Misrepresentation of identity to persuade minor to engage in prohibited sexual conduct (2 levels)	13	4.3
(b)(2)(B) Defendant used undue influence on minor to engage in prohibited sexual conduct (2 levels)	77	25.4
(b)(3)(A) Use of a computer to persuade a minor to engage in prohibited sexual conduct (2 levels)	147	48.5
(b)(3)(B) Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor (2 levels)	118	38.9
(b)(4)(A) Offense involved commission of sexual act or contact (2 levels)	116	38.3
(b)(4)(B) Offense involved a commercial sex act (2 levels)	20	6.6
(b)(5) Victim under the age of 12 (8 levels)	31	10.2



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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.1 Production of Child Pornography	412	0.7
Chapter 2 Specific Offense Characteristic Adjustments	411	99.8
(b)(1)(A) Victim under the age of 12 (4 levels)	205	49.8
(b)(1)(B) Victim between 12 and 16 (2 levels)	170	41.3
(b)(2)(A) Offense involved the commission of a sexual act or sexual contact (2 levels)	275	66.8
(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)	19	4.6
(b)(3) Defendant knowingly engaged in distribution (2 levels) <sup>58</sup>	153	37.1
(b)(3) Offense involved distribution (2 levels)	1	0.2
(b)(4)(A) Offense involved portrayal of sadistic/masochistic conduct or violence (4 levels) <sup>59</sup>	65	15.8
(b)(4)(B) Offense involved an infant or toddler (4 levels)	50	12.1
(b)(5) Defendant was a parent/relative/legal guardian or custody/care/control (2 levels) <sup>60</sup>	185	44.9
(b)(6)(A) Misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) <sup>61</sup>	32	7.8
(b)(6)(B)(i) Use of a computer to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) <sup>61</sup>	86	20.9
(b)(6)(B)(ii) Use of a computer to solicit participation with a minor in sexually explicit conduct (2 levels) <sup>61</sup>	71	17.2

<sup>58</sup> SOC was altered on November 1, 2016 from an “offense involved” standard to “defendant knowingly engaged in” standard.

<sup>59</sup> SOC was formerly §2G2.1(b)(4) and redesignated §2G2.1(b)(4)(A) on November 1, 2016. The statistics reflect all instances of the application of this SOC.

<sup>60</sup> SOC was formerly §2G2.1(b)(2) and redesignated §2G2.1(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>61</sup> SOC was formerly §2G2.1(b)(3) and redesignated §2G2.1(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking, Receipt, or Possession of Child Pornography	1,015	1.7
(a)(1) Defendant convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5) (BOL 18)	455	44.8
(a)(2) Otherwise (Base offense level 22)	560	55.2
Chapter 2 Specific Offense Characteristic Adjustments	1,012	99.7
(b)(1)(A) If (a)(2) applies (B) defendant only received material and (C) did not traffic material (decrease 2 levels)	134	13.2
(b)(2) Victim under the age of 12 (2 levels) <sup>62</sup>	960	94.6
(b)(3)(A) Offense involved distribution for pecuniary gain (§2B1.1(b)(1) level, but at least 5 levels) <sup>63</sup>	3	0.3
(b)(3)(B) Defendant distributed in exchange for thing of value (5 levels) <sup>64</sup>	101	10.0
(b)(3)(B) Offense involved distribution in exchange for thing of value (5 levels) <sup>63</sup>	0	0.0
(b)(3)(C) Offense involved distribution to a minor (5 levels) <sup>63</sup>	13	1.3
(b)(3)(D) Offense involved distribution to a minor to coerce to facilitate travel of a minor to engage in any illegal activity other than covered under (E) (6 levels)	8	0.8
(b)(3)(E) Offense involved distribution to a minor to coerce to engage in sexual behavior (7 levels) <sup>63</sup>	5	0.5
(b)(3)(F) Offense involved distribution other than in (b)(3)(A)-(D) (2 levels) <sup>63</sup>	372	36.7
(b)(4)(A) Sadistic or masochistic conduct or other forms of violence depicted (4 levels) <sup>65</sup>	595	58.6
(b)(4)(B) Sexual abuse or exploitation of an infant or toddler depicted (4 levels)	250	24.6

<sup>62</sup> SOC was formerly §2G2.2(b)(1) and redesignated §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>63</sup> SOC was formerly §G2.2(b)(2) and redesignated §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>64</sup> SOC was altered on November 1, 2016 from an “offense involved” standard to “defendant engaged in” standard.

<sup>65</sup> SOC was formerly §2G2.2(b)(3) and redesignated §2G2.2(b)(4) on November 1, 2004 and subsequently redesignated §2G2.2(b)(4)(A) on November 1, 2016. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking, Receipt, or Possession of Child Pornography (continued)	1,015	1.7
(b)(5) Defendant engaged in a pattern of activity involving sexual exploitation (5 lvl's) <sup>66</sup>	130	12.8
(b)(6) Use of a computer (2 levels) <sup>67</sup>	958	94.4
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) <sup>68</sup>	96	9.5
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) <sup>68</sup>	51	5.0
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) <sup>68</sup>	60	5.9
(b)(7)(D) 600 images or more (5 levels) <sup>68</sup>	747	73.6
§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
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G2.6 Child Exploitation Enterprises	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
(b)(1)(A) Victim not attained the age of 12 years (4 levels)	5	100.0
(b)(1)(B) Victim between the ages of 12 and 16 (2 levels)	0	0.0
(b)(2)(A) Defendant was parent, relative, or legal guardian (2 levels)	0	0.0
(b)(2)(B) Minor was otherwise in custody, care, or supervisory control (2 levels)	0	0.0
(b)(3) Offense involved conduct described in 18 U.S.C. § 2241(a) or (b) (2 levels)	0	0.0
(b)(4) Computer or interactive computer service used (2 levels)	5	100.0

<sup>66</sup> SOC was formerly §2G2.2(b)(4) and redesignated §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>67</sup> SOC was formerly §2G2.2(b)(5) and redesignated §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>68</sup> SOC was formerly §2G2.2(b)(6) and redesignated §2G2.2(b)(7) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G3.1 Importing/Mailing/Transporting Obscene Matter	21	0.0
Chapter 2 Specific Offense Characteristic Adjustments	21	100.0
(b)(1)(A) Offense involved distribution for pecuniary gain (§2B1.1 loss table level, but at least 5 levels)	0	0.0
(b)(1)(B) Defendant distributed in exchange for thing of value (5 levels) <sup>64</sup>	0	0.0
(b)(1)(B) Offense involved distribution in exchange for thing of value (5 levels) <sup>64</sup>	0	0.0
(b)(1)(C) Offense involved distribution to a minor (5 levels)	2	9.5
(b)(1)(D) Offense involved distribution to a minor to coerce to engage in illegal activity (6 levels)	3	14.3
(b)(1)(E) Offense involved distribution to a minor to coerce to engage in sexual behavior (7 levels)	15	71.4
(b)(1)(F) Defendant knowingly engaged in distribution other than in (b)(1)(A)-(E) (2 levels) <sup>58</sup>	1	4.8
(b)(1)(F) Offense involved distribution other than in (b)(1)(A)-(E) (2 levels) <sup>58</sup>	0	0.0
(b)(2)(A) Offense involved misleading domain name on the Internet (2 levels)	0	0.0
(b)(2)(B) Offense involved embedded words or digital images in source code or website (2 levels)	0	0.0
(b)(3) Offense involved use of a computer (2 levels)	20	95.2
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels)	0	0.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	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

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Guideline and SOC	Applied	Percent
<b>Part H - Offenses Involving Individual Rights</b>		
§2H1.1 Offenses Involving Individual Rights	50	0.1
(a)(1) Other Offense level from the offense guideline applicable to underlying offense	32	64.0
(a)(2) Offense involved two or more participants (Base offense level 12)	10	20.0
(a)(3)(A) Offense involved use/threat of force (Base Offense Level 10)	8	16.0
(a)(3)(B) Offense involved property damage (Base Offense Level 10)	0	0.0
(a)(4) Otherwise (Base offense level 6)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	49	98.0
(b)(1)(A) Defendant was a public official at the time of the offense (6 levels)	6	12.0
(b)(1)(B) Offense committed under color of law (6 levels)	43	86.0
§2H2.1 Obstructing an Election or Registration	4	0.0
(a)(1) Obstruction occurred by use of force or threat against property (BOL 18)	1	25.0
(a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12)	2	50.0
(a)(3)(A) Solicited or accepted value to vote, refrain from voting, or register to vote (BOL 6)	0	0.0
(a)(3)(B) Gave false information to establish eligibility to vote (BOL 6)	1	25.0
(a)(3)(C) Voted more than once in federal election (BOL 6)	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2H3.1 Interception of Communications	3	0.0
(a)(1) Base offense level 9	2	66.7
(a)(2) Defendant convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	1	33.3
Chapter 2 Specific Offense Characteristic Adjustments	1	33.3
(b)(1)(A) Convicted under 18 U.S.C. § 1039(d) or (e) (3 levels)	0	0.0
(b)(1)(B) Purpose was to obtain direct/indirect commercial advantage (3 levels)	1	33.3
(b)(2)(A) Convicted under 18 U.S.C. § 119 (8 levels)	0	0.0
(b)(2)(B) Convicted under 18 U.S.C. §119 and involved the use of a computer to make restricted personal information of a covered person public (10 levels)	0	0.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense committed for pecuniary gain (3 levels)	0	0.0

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**Offender Based**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H3.3 Obstructing Correspondence	4	0.0
(a)(1) Base offense level 6	4	100.0
(a)(2) Conduct was theft or destruction of mail, level from §2B1.1	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	8	0.0
(a)(1) Base offense level 22	8	100.0
(a)(2)(A) Defendant convicted of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
(a)(2)(B) Defendant convicted of 18 U.S.C. § 1593A based on violation of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	100.0
(b)(1)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	1	12.5
(b)(1)(B) Victim sustained bodily injury (2 levels)	4	50.0
(b)(2)(A) Dangerous weapon used (4 levels)	3	37.5
(b)(2)(B) Dangerous weapon brandished or threatened (2 levels)	0	0.0
(b)(3)(A) Victim held in peonage/involuntary servitude for more than one year (3 levels)	3	37.5
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	5	62.5
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (1 level)	0	0.0
(b)(4)(A) Other felony committed during offense (2 levels)	5	62.5
(b)(4)(B) Other felony committed during offense (2 levels above applicable offense)	1	12.5
§2H4.2 Willful Violations of the Migrant and Seasonal Agricultural Worker Protection Act	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Serious bodily injury (4 levels)	0	0.0
(b)(1)(B) 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**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part J - Offenses Involving the Administration of Justice</b>		
§2J1.1 Contempt	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.2 Obstruction of Justice	106	0.2
Chapter 2 Specific Offense Characteristic Adjustments	55	51.9
(b)(1)(A) Convicted under 18 U.S.C. § 1001, and stat max of 8 years because of sex offense (4 levels)	5	4.7
(b)(1)(B) Causing/threatening to cause physical injury (8 levels) <sup>69</sup>	18	17.0
(b)(1)(C) Convicted under 18 U.S.C. § 1001 or § 1505 and stat max of 8 years because of terrorism (12 levels)	2	1.9
(b)(2) Offense resulted in substantial influence with the administration of justice (3 lvls)	22	20.8
(b)(3)(A) Offense involved destruction of records (2 levels)	7	6.6
(b)(3)(B) Offense involved selection of any essential document to destroy (2 levels)	3	2.8
(b)(3)(C) Offense involved otherwise extensive in scope or planning (2 levels)	4	3.8
§2J1.3 Perjury or Subornation of Perjury	20	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	25.0
(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 lvls)	5	25.0
§2J1.4 Impersonation	13	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	7.7
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	1	7.7
§2J1.5 Failure to Appear by Material Witness	0	0.0
(a)(1) In respect to a felony (Base offense level 6)	0	0.0
(a)(2) In respect to a misdemeanor (Base offense level 4)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 lvls)	0	0.0

<sup>69</sup> SOC was formerly §2J1.2(b)(1) and was redesignated on November 1, 2007. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2J1.6 Failure to Appear by Defendant	24	0.0
(a)(1) Failure to report for service of sentence (Base offense level 11)	12	50.0
(a)(2) Otherwise (Base offense level 6)	12	50.0
Chapter 2 Specific Offense Characteristic Adjustments	11	45.8
(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)	8	33.3
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	2	8.3
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	1	4.2
§2J1.9 Payment to a Witness	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Payment made/offered for refusing to testify (4 levels)	0	0.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part K - Offenses Involving Public Safety</b>		
§2K1.1 Failure to Report Theft of Explosive Materials	4	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	19	0.0
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	0	0.0
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	3	15.8
(a)(3) Defendant convicted under 18 U.S.C. § 842(p)(2) (Base offense level 18)	1	5.3
(a)(4)(A) Prohibited person (Base offense level 16)	9	47.4
(a)(4)(B) Knowingly distributed explosive materials to prohibited person (BOL 16)	0	0.0
(a)(5) Otherwise (Base offense level 12)	6	31.6
Chapter 2 Specific Offense Characteristic Adjustments	7	36.8
(b)(1)(A) Weight of explosives 25 to 100 pounds (1 level)	3	15.8
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	1	5.3
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	0	0.0
(b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels)	0	0.0
(b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels)	0	0.0
(b)(2) Offense involved stolen explosives (2 levels)	3	15.8
(b)(3)(A) Convicted under 18 U.S.C. § 842(p)(2) (4 levels, increase to level 18)	1	5.3
(b)(3)(B) Use of explosives in connection with another felony offense (4 levels, increase to level 18)	2	10.5

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.4 Arson	46	0.1
(a)(1)(A) Substantial risk of death/serious bodily injury (Base offense Level 24)	16	34.8
(a)(1)(B) Destruction of dwelling (Base offense Level 24)	14	30.4
(a)(2)(A) Substantial risk of death/serious injury of other participant (BOL 20)	2	4.4
(a)(2)(B) Destruction of structure other than a dwelling (Base offense level 20)	5	10.9
(a)(2)(C) Endangered a dwelling (Base offense level 20)	1	2.2
(a)(3) Involved the destruction of or tampering with aids to maritime navigation (BOL 16)	0	0.0
(a)(4) Other, 2 plus the level from §2B1.1 (Base offense level 33)	1	2.2
(a)(4) Other, 2 plus the level from §2B1.1 (Base offense level 31)	2	4.4
(a)(4) Other, 2 plus the level from §2B1.1 (Base offense level 14)	1	2.2
(a)(4) Other, 2 plus the level from §2B1.1 (Base offense level 12)	3	6.5
(a)(4) Other, 2 plus the level from §2B1.1 (Base offense level 8)	1	2.2
Chapter 2 Specific Offense Characteristic Adjustments	4	8.7
(b)(1) Committed to conceal another offense (2 levels)	4	8.7
(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	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Committed without regard for safety of human life (15 levels)	0	0.0
(b)(2) Defendant prohibited under federal law from possession weapon (2 levels)	0	0.0
(b)(3) Defendant's possession lawful but for 49 U.S.C. §46505 (3 level decrease)	0	0.0
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**

**Offender Based  
Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	7,041	11.9
(a)(1)(A)(i) Two prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 26)	131	1.9
(a)(1)(A)(ii) Two prior convictions and firearm described in 26 U.S.C. §5845(a) and offense committed subsequent to sustaining at least two felony convictions of a crime of violence or controlled substance (Base Offense Level 26)	14	0.2
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	687	9.8
(a)(3)(A)(i) One prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 22)	400	5.7
(a)(3)(A)(ii) One prior convictions and firearm described in 26 U.S.C. §5845(a) (BOL 22)	60	0.9
(a)(4)(A) Offense committed after a felony conviction for a crime of violence or a controlled substance offense (Base offense level 20)	1,872	26.6
(a)(4)(B)(i)(I) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and was a prohibited person (Base offense level 20)	511	7.3
(a)(4)(B)(i)(II) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and was convicted under 18 U.S.C. § 922(d) (Base offense level 20)	8	0.1
(a)(4)(B)(i)(III) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and convicted under 18 U.S.C. § 922(a)(6) or §924(a)(1)(A) and offense committed with the knowledge that the offense would result in the transfer to a prohibited person (Base Offense Level 20)	9	0.1
(a)(4)(B)(ii)(I) Offense involved a firearm described in 20 U.S.C. § 5845(a) and defendant was a prohibited person (Base offense level 20)	137	1.9
(a)(4)(B)(ii)(II) Offense involved a firearm described in 20 U.S.C. § 5845(a) and was convicted under 18 U.S.C. § 922(d) (Base offense level 20)	4	0.1
(a)(4)(B)(ii)(III) Offense involved a firearm described in 20 U.S.C. § 5845(a) and convicted under 18 U.S.C. § 922(a)(6) or §924(a)(1)(A) and offense committed with the knowledge that the offense would result in the transfer to a prohibited person (Base Offense Level 20)	1	0.0
(a)(5) Firearm described in 26 U.S.C. §5845(a) (Base offense level 18)	184	2.6
(a)(6)(A) Defendant prohibited person (Base offense level 14)	2,480	35.2
(a)(6)(B) Defendant convicted under 18 U.S.C. § 922(d) (Base offense level 14)	9	0.1
(a)(6)(C) Defendant convicted under 18 U.S.C. § 922(a)(6) or § 924(a)(1)(A) and committed offense with knowledge/intent/reason to believe a transfer in firearm/ammunition to a prohibited person (Base offense level 14)	135	1.9
(a)(7) Except as provided in (a)(8) (Base offense level 12)	391	5.6
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t), (x)(1) or 18 U.S.C. §1715 (BOL 6)	8	0.1

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition (cont.)	7,041	11.9
Chapter 2 Specific Offense Characteristic Adjustments	4,148	58.9
(b)(1)(A) 3-7 firearms (two levels)	939	13.3
(b)(1)(B) 8-24 firearms (four levels)	406	5.8
(b)(1)(C) 25-99 firearms (six levels)	130	1.9
(b)(1)(D) 100-199 firearms (eight levels)	20	0.3
(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)	22	0.3
(b)(3)(A) Destructive device that is a portable rocket or missile (15 levels)	1	0.0
(b)(3)(B) Destructive device (2 levels)	85	1.2
(b)(4)(A) Firearm stolen (2 levels)	1,756	24.9
(b)(4)(B) Firearm had altered/obliterated serial number (4 levels)	382	5.4
(b)(4)(B) Firearm had altered/obliterated serial number (6 levels) <sup>70</sup>	2	0.0
(b)(5) Defendant engaged in trafficking of firearms (4 levels)	245	3.5
(b)(6)(A) Firearms possessed while leaving or attempting to leave the United States (4 levels, increase to level 18)	109	1.5
(b)(6)(B) Firearms used in connection with another offense (4 lvls, increase to lvl 18) <sup>71</sup>	1,947	27.7
(b)(6)(B) Firearms used in connection with another offense (2 levels) <sup>70</sup>	1	0.0
(b)(7) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense) <sup>72</sup>	2	0.0

<sup>70</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

<sup>71</sup> SOC was formerly §2K2.1(b)(5) and redesignated §2K2.1(b)(6) on November 1, 2006, and subsequently redesignated §2K2.1(b)(6)(B) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>72</sup> SOC was formerly §2K2.1(b)(6) and redesignated §2K2.1(b)(7) on November 1, 2006. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	16	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	81.3
(b)(1)(A) Unlawful possession of firearm in a federal court facility (2 levels)	1	6.3
(b)(1)(B) Firearm in school zone (2 levels)	12	75.0
§2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons	3	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	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**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part L - Offenses Involving Immigration, Naturalization, and Passports</b>		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	3,350	5.7
(a)(1) Convicted under 8 U.S.C. § 1327 for inadmissible alien under 8 U.S.C. § 1182(a)(3) (Base offense level 25)	0	0.0
(a)(2) Convicted under 8 U.S.C. § 1327 after being previously deported (BOL 23)	6	0.2
(a)(3) Otherwise (Base offense level 12)	3,344	99.8
Chapter 2 Specific Offense Characteristic Adjustments	2,057	61.4
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(3) (3 level decrease)	92	2.8
(b)(2)(A) 6-24 aliens smuggled (3 levels)	997	29.8
(b)(2)(A) 6-24 aliens smuggled (2 levels) <sup>73</sup>	1	0.0
(b)(2)(B) 25-99 aliens smuggled (6 levels)	127	3.8
(b)(2)(C) 100 or more aliens smuggled (9 levels)	37	1.1
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	156	4.7
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	26	0.8
(b)(4) If the offense involved the smuggling, transporting, or harboring an unaccompanied minor (4 levels)	424	12.7
(b)(4) If the offense involved the smuggling, transporting, or harboring an unaccompanied minor (2 levels) <sup>73</sup>	1	0.0
(b)(4) If the defendant smuggled, transported, or harbored an unaccompanied minor (2 levels) <sup>74</sup>	2	0.1
(b)(5)(A) Firearm discharged (6 levels, increase to 22) <sup>75</sup>	4	0.1
(b)(5)(B) Weapon brandished or otherwise used (4 levels, increase to 20) <sup>75</sup>	15	0.5
(b)(5)(C) Weapon possessed (2 levels, increase to 18) <sup>75</sup>	106	3.2

<sup>73</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

<sup>74</sup> SOC was altered on November 1, 2016 from "defendant" base standard to "offense involved" standard and the level increased.

<sup>75</sup> SOC was formerly §2L1.1(b)(4) and redesignated §2L1.1(b)(5) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien (continued)	3,350	5.7
(b)(6) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18) <sup>76</sup>	1,000	29.9
(b)(6) Reckless creating risk of death or serious bodily injury (1 level, increase to 18) <sup>73</sup>	1	0.0
(b)(7)(A) Bodily injury (2 levels) <sup>77</sup>	17	0.5
(b)(7)(B) Serious bodily injury (4 levels) <sup>77</sup>	19	0.6
(b)(7)(C) Permanent or life-threatening bodily injury (6 levels) <sup>77</sup>	2	0.1
(b)(7)(D) Death (10 levels)	4	0.1
(b)(8)(A)(i) Alien involuntarily detained, demand for payment after smuggled into U.S. (2 levels, increase to 18) <sup>78</sup>	27	0.8
(b)(8)(A)(ii) Alien involuntarily detained, demand for payment while smuggled into U.S. (2 levels, increase to 18) <sup>79</sup>	9	0.3
(b)(8)(B)(i) Convicted of alien harboring for the purpose of prostitution (2 levels)	1	0.0
(b)(8)(B)(ii) Convicted of alien harboring for the purposes of prostitution, alien under 18 (6 lvs)	0	0.0
(b)(9) Defendant convicted under 8 U.S.C. §1324(a)(4) (2 levels)	1	0.0
§2L1.2 Unlawfully Entering or Remaining in the United States	19,563	33.0
Chapter 2 Specific Offense Characteristic Adjustments	10,085	51.6
(b)(1)(A) Instant offense committed after the defendant sustained a felony conviction for illegal reentry (4 levels)	4,641	23.7
(b)(1)(B) Instant offense committed after the defendant sustained two or more convictions for misdemeanors under 8 U.S.C. §1325 (2 levels)	1,275	6.5
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months (16 levels) <sup>80</sup>	3	0.0
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months - no criminal history points (12 levels) <sup>80</sup>	1	0.0

<sup>76</sup> SOC was formerly §2L1.1(b)(5) and redesignated §2L1.1(b)(6) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>77</sup> SOC was formerly §2L1.1(b)(6) and redesignated §2L1.1(b)(7) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>78</sup> SOC was formerly §2L1.1(b)(8)(A) and redesignated §2L1.1(b)(8)(A)(i) on November 1, 2009. The statistics reflect all instances of the application of the SOC.

<sup>79</sup> SOC was formerly §2L1.1(b)(8)(B) and redesignated §2L1.1(b)(8)(A)(ii) on November 1, 2009. The statistics reflect all instances of the application of the SOC.

<sup>80</sup> SOC was eliminated on November 1, 2016.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L1.2 Unlawfully Entering or Remaining in the United States (continued)	19,563	33.0
(b)(1)(A)(ii) Previously deported and conviction for crime of violence (16 levels) <sup>80</sup>	1	0.0
(b)(1)(B) Previously deported, drug offense sentence less than 13 months (12 levels) <sup>80</sup>	1	0.0
(b)(1)(C) Previously deported and aggravated felony conviction (8 levels) <sup>80</sup>	6	0.0
(b)(1)(D) Previously deported and any other felony conviction (4 levels) <sup>80</sup>	25	0.1
(b)(2)(A) If before the defendant was deported they sustained a conviction (other than illegal reentry) for which the sentence was five years or more (10 levels)	537	2.7
(b)(2)(B) If before the defendant was deported they sustained a conviction (other than illegal reentry) for which the sentence was two years or more (8 levels)	979	5.0
(b)(2)(C) If before the defendant was deported they sustained a conviction (other than illegal reentry) for which the sentence exceeded one year and one month (6 levels)	317	1.6
(b)(2)(D) If before the defendant was deported they sustained a felony conviction (other than illegal reentry) (4 levels)	1,554	7.9
(b)(2)(E) If before the defendant was deported they sustained three or more convictions that are misdemeanors that were crimes of violence or drug trafficking (2 levels)	12	0.1
(b)(3)(A) If after the defendant was deported they sustained a conviction (other than illegal reentry) for which the sentence was five years or more (10 levels)	370	1.9
(b)(3)(B) If after the defendant was deported they sustained a conviction (other than illegal reentry) for which the sentence was two years or more (8 levels)	912	4.7
(b)(3)(C) If after the defendant was deported they sustained a conviction (other than illegal reentry) for which the sentence exceeded one year and one month (6 levels)	282	1.4
(b)(3)(D) If after the defendant was deported they sustained a felony conviction (other than illegal reentry) (4 levels)	1,248	6.4
(b)(3)(E) If after the defendant was deported they sustained three or more convictions that are misdemeanors that were crimes of violence or drug trafficking (2 levels)	3	0.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L2.1 Trafficking in Documents Relating to Naturalization	71	0.1
Chapter 2 Specific Offense Characteristic Adjustments	56	78.9
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	10	14.1
(b)(2)(A) 6-24 Documents/Passports (3 levels)	22	31.0
(b)(2)(B) 25-99 Documents/Passports (6 levels)	6	8.5
(b)(2)(C) 100 or more Documents/Passports (9 levels)	16	22.5
(b)(3) Defendant knew passport or visa facilitated a felony offense (4 levels)	2	2.8
(b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels)	1	1.4
(b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls)	0	0.0
(b)(5)(A) Defendant fraudulently obtained or used a United States passport (4 levels)	5	7.0
(b)(5)(B) Defendant fraudulently obtained or used a foreign passport (2 levels)	0	0.0
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	636	1.1
(a) Base Offense Level 8	635	99.8
(a) Base offense level 11 <sup>81</sup>	1	0.2
Chapter 2 Specific Offense Characteristic Adjustments	324	50.9
(b)(1) Defendant an unlawful alien, previously deported (2 levels)	176	27.7
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	22	3.5
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	4	0.6
(b)(3)(A) Defendant fraudulently obtained or used a United States passport (4 levels)	176	27.7
(b)(3)(B) Defendant fraudulently obtained or used a foreign passport (2 levels)	36	5.7
(b)(4)(A) Committed offense to conceal membership in military/police that was involved in a serious human rights offense (2 levels, increase to level 13)	0	0.0
(b)(4)(B)(i) Committed offense to conceal participation in incitement to genocide (6 lvls)	0	0.0
(b)(4)(B)(ii) Committed offense to conceal participation in other serious human rights offense (10 levels, increase to level 25)	0	0.0
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

<sup>81</sup> This base offense level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part M - Offenses Involving National Defense and Weapons of Mass Destruction</b>		
§2M1.1 Treason	0	0.0
(a)(1) Conduct tantamount to waging war against the United States (BOL 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 Government	1	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	0	0.0
(a)(2) Otherwise (Base offense level 37)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	1	0.0
(a)(1) Top secret information gathered (Base offense level 35)	1	100.0
(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**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§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 (Base Offense Level 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
Chapter 2 Specific Offense Characteristic Adjustments	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	16	0.0
(a)(1)(A) National security controls relating to the proliferation of nuclear, biological, or chemical weapons were evaded (Base offense level 26)	9	56.3
(a)(1)(B) Offense involved financial transactions with a country supporting terrorism (Base offense level 26)	5	31.3
(a)(2) Otherwise (Base offense level 14)	2	12.5
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	117	0.2
(a)(1) Except as provided in (a)(2) (Base offense level 26)	96	82.1
(a)(2)(A) Involved only two or less non-fully automatic small arms (BOL 14)	14	12.0
(a)(2)(B) Involved only ammunition for non-fully automatic small arms, less than 500 rounds (Base Offense Level 14)	5	4.3
(a)(2)(C) Weapons and ammunition described in both (a)(2)(A) and (a)(2)(B) (BOL 14)	2	1.7
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	10	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	90.0
(b)(1)(A) Offense involved the provision of dangerous weapons (2 levels)	2	20.0
(b)(1)(B) Offense involved the provision of firearms (2 levels)	1	10.0
(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)	6	60.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M6.1 Unlawful Production of Nuclear Material	2	0.0
(a)(1)(A) Offense committed with the intent to injure the United States (BOL 42)	0	0.0
(a)(1)(B) Offense committed to 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)	2	100.0
(a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22)	0	0.0
(a)(4)(A) Convicted under 18 U.S.C. §175(b) but did not intend to carry out threat (BOL 20)	0	0.0
(a)(4)(B) Offense involved a threat to use nuclear weapon but did not intend to carry out threat (Base Offense Level 20)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	100.0
(b)(1)(A)(i) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels)	1	50.0
(b)(1)(A)(ii) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of a listed precursor (2 levels)	0	0.0
(b)(1)(A)(iii) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of nuclear material (2 levels)	1	50.0
(b)(1)(A)(iv) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of weapon of mass destruction (2 levels)	0	0.0
(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)(B)(i) Subsection (a)(2)-(a)(4) applies and (B) disruption of government services (4 levels)	0	0.0
(b)(3)(A)(B)(ii) Subsection (a)(2)-(a)(4) applies and (B) offense resulted in a substantial expenditure of funds to clean up or respond to the offense (4 levels)	0	0.0
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	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)	0	0.0
No Specific Offense Characteristic for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws</b>		
§2N1.1 Tampering or Attempting to Tamper Involving Risk of Death or Bodily Injury	12	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	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	0	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, Biological Product, Device, Cosmetic, Agricultural Product, or Consumer Product	15	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Convicted under 21 § U.S.C. 331 after prior conviction under same (4 levels)	0	0.0
§2N3.1 Odometer Laws and Regulations	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
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Guideline and SOC	Applied	Percent
<b>Part P - Offenses Involving Prisons and Correctional Facilities</b>		
§2P1.1 Escape, Instigating or Assisting Escape	234	0.4
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (Base Offense Level 13)	227	97.0
(a)(2) Otherwise (Base offense level 8)	7	3.0
Chapter 2 Specific Offense Characteristic Adjustments	182	77.8
(b)(1) Use of threat of force against any person (5 levels)	1	0.4
(b)(2) Escaped from non-secure custody, (a)(1) applies, return in 96 hours (7 level decrease)	7	3.0
(b)(2) Escaped from non-secure custody, (a)(2) applies, return in 96 hours (4 level decrease)	13	5.6
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	157	67.1
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	4	1.7
(b)(4) Defendant was a law enforcement officer (2 levels)	0	0.0
§2P1.2 Providing or Possessing Contraband in Prison	156	0.3
(a) Object was distribution of a controlled substance, apply §2D1.1 offense level (through cross reference (c)(1)) (minimum base offense level 26)	9	5.8
(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 (BOL 13)	78	50.0
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	67	43.0
(a)(4) Other object threatened order of facility (Base offense level 4)	2	1.3
Chapter 2 Specific Offense Characteristic Adjustments	1	0.6
(b)(1) Defendant was a law enforcement officer (2 levels)	1	0.6
§2P1.3 Engaging in a Riot Involving Persons in a Facility	0	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)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
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Guideline and SOC	Applied	Percent
<b>Part Q -Offenses Involving the Environment</b>		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q1.2 Mishandling of Hazardous Substances	18	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	77.8
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	5	27.8
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	7	38.9
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	2	11.1
(b)(3) Disruption of public utilities or evacuation (4 levels)	5	27.8
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	6	33.3
(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)	0	0.0
(b)(7) Convicted under 49 U.S.C. § 5124 or § 46312 (2 levels)	0	0.0
§2Q1.3 Mishandling of Other Environmental Pollutants	13	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	84.6
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	4	30.8
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	6	46.2
(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)	0	0.0
(b)(4) Discharge without permit or in violation of a permit (4 levels)	5	38.5
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0
(a)(1) Base offense level 26	0	0.0
(a)(2) Threat with intent to carry out tampering with public water (Base offense level 22)	0	0.0
(a)(3) Threat without intent to carry out tampering with public water (BOL 16)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	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
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	1	0.0
(a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9) – (BOL 6)	1	100.0
(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



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	80	0.1
Chapter 2 Specific Offense Characteristic Adjustments	76	95.0
(b)(1)(A) Offense committed for pecuniary gain (2 levels)	55	68.8
(b)(1)(B) Offense involved a pattern of similar violations (2 levels)	9	11.3
(b)(2)(A) Offense involved wildlife not quarantined (2 levels)	7	8.8
(b)(2)(B) Offense involved significant risk of infestation/disease to human/wildlife (2 levels)	3	3.8
(b)(3)(A) Value of wildlife less than \$2,500 (0 levels)	10	12.5
(b)(3)(A) Value of wildlife between \$2,500 and \$6,500 (1 level)	9	11.3
(b)(3)(A) Value of wildlife between \$6,500 and \$15,000 (2 levels)	9	11.3
(b)(3)(A) Value of wildlife between \$15,000 and \$40,000 (4 levels)	8	10.0
(b)(3)(A) Value of wildlife between \$40,000 and \$95,000 (6 levels)	12	15.0
(b)(3)(A) Value of wildlife between \$95,000 and \$150,000 (8 levels)	6	7.5
(b)(3)(A) Value of wildlife between \$150,000 and \$250,000 (10 levels)	8	10.0
(b)(3)(A) Value of wildlife between \$250,000 and \$550,000 (12 levels)	4	5.0
(b)(3)(A) Value of wildlife between \$550,000 and \$1,500,000 (14 levels)	2	2.5
(b)(3)(A) Value of wildlife between \$3,500,000 and \$9,500,000 (18 levels)	2	2.5
(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)	9	11.3
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (4 levels)	1	1.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
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Guideline and SOC	Applied	Percent
<b>Part R - Antitrust Offenses</b>		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	9	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	100.0
(b)(1) Involved participation in agreement to submit non-competitive bid (1 level)	5	55.6
(b)(2)(A) Volume of commerce between \$1,000,000 and \$10,000,000 (2 levels)	4	44.4
(b)(2)(B) Volume of commerce between \$10,000,000 and \$50,000,000 (4 levels)	2	22.2
(b)(2)(C) Volume of commerce between \$50,000,000 and \$100,000,000 (6 levels)	0	0.0
(b)(2)(D) Volume of commerce between \$100,000,000 and \$300,000,000 (8 levels)	1	11.1
(b)(2)(E) Volume of commerce between \$300,000,000 and \$600,000,000 (10 levels)	0	0.0
(b)(2)(F) Volume of commerce between \$600,000,000 and \$1,200,000,000 (12 levels)	1	11.1
(b)(2)(G) Volume of commerce between \$1,200,000,000 and \$1,850,000,000 (14 levels)	0	0.0
(b)(2)(H) Volume of commerce more than \$1,850,000,000 (16 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
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Guideline and SOC	Applied	Percent
<b>Part S - Money Laundering and Monetary Transactions Reporting</b>		
§2S1.1 Laundering of Monetary Instruments	728	1.2
(a)(1) Underlying offense - Base offense level 6	4	0.6
(a)(1) Underlying offense - Base offense level 8	1	0.1
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds less than \$6,500 (BOL 8)	7	1.0
(a)(1) Underlying offense - Base offense level 9	2	0.3
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$6,500 and \$15,000 (Base Offense Level 10)	12	1.7
(a)(1) Underlying offense - Base offense level 11	1	0.1
(a)(1) Underlying offense - Base offense level 12	10	1.4
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$15,000 and \$40,000 (Base Offense Level 12)	27	3.7
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$10,000 and \$30,000 (Base Offense Level 12) <sup>82</sup>	1	0.1
(a)(1) Underlying offense - Base offense level 14	8	1.1
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$40,000 and \$95,000 (Base Offense Level 14)	20	2.7
(a)(1) Underlying offense - Base offense level 15	4	0.6
(a)(1) Underlying offense - Base offense level 16	13	1.8
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$95,000 and \$150,000 (Base Offense Level 16)	17	2.3
(a)(1) Underlying offense - Base offense level 17	9	1.2
(a)(1) Underlying offense - Base offense level 18	13	1.8
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$150,000 and \$250,000 (Base Offense Level 18)	23	3.2
(a)(1) Underlying offense - Base offense level 19	11	1.5
(a)(1) Underlying offense - Base offense level 20	14	1.9
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$250,000 and \$550,000 (Base Offense Level 20)	37	5.1
(a)(2) Otherwise, Base Offense Level 20 <sup>83</sup>	1	0.1

<sup>82</sup> Base offense threshold amounts were changed effective November 1, 2015.

<sup>83</sup> Base offense levels were altered effective November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.1 Laundering of Monetary Instruments (continued)	728	1.2
(a)(1) Underlying offense - Base offense level 21	7	1.0
(a)(1) Underlying offense - Base offense level 22	19	2.6
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$550,000 and \$1,500,000 (Base Offense Level 22)	33	4.5
(a)(1) Underlying offense - Base offense level 23	14	1.9
(a)(1) Convicted under 18 U.S.C. §1956(a)(1)(A), (a)(2)(A), or (a)(3)(A) – BOL 23 <sup>84</sup>	1	0.1
(a)(1) Underlying offense - Base offense level 24	24	3.3
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$1,500,000 and \$3,500,000 (Base Offense Level 24)	22	3.0
(a)(1) Underlying offense - Base offense level 25	20	2.8
(a)(1) Underlying offense - Base offense level 26	20	2.8
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$3,500,000 and \$9,500,000 (Base Offense Level 26)	19	2.6
(a)(1) Underlying offense - Base offense level 27	15	2.1
(a)(1) Underlying offense - Base offense level 28	38	5.2
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$9,500,000 and \$25,000,000 (Base Offense Level 28)	4	0.5
(a)(1) Underlying offense - Base offense level 29	17	2.3
(a)(1) Underlying offense - Base offense level 30	39	5.4
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$25,000,000 and \$65,000,000 (Base Offense Level 30)	2	0.3
(a)(1) Underlying offense - Base offense level 31	5	0.7
(a)(1) Underlying offense - Base offense level 32	41	5.6
(a)(2) §2B1.1 loss table plus 8 levels – laundered funds between \$65,000,000 and \$150,000,000 (Base Offense Level 32)	1	0.1
(a)(1) Underlying offense - Base offense level 33	5	0.7
(a)(1) Underlying offense - Base offense level 34	57	7.8
(a)(1) Underlying offense - Base offense level 35	2	0.3
(a)(1) Underlying offense - Base offense level 36	27	3.7

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.1 Laundering of Monetary Instruments (continued)	728	1.2
(a)(1) Underlying offense - Base offense level 37	1	0.1
(a)(1) Underlying offense - Base offense level 38	28	3.9
(a)(1) Underlying offense - Base offense level 39	3	0.4
(a)(1) Underlying offense - Base offense level 40	13	1.8
(a)(1) Underlying offense - Base offense level 42	8	1.1
(a)(1) Underlying offense - Base offense level 44	6	0.8
(a)(1) Underlying offense - Base offense level 45	1	0.1
(a)(1) Underlying offense - Base offense level 46	1	0.1
Chapter 2 Specific Offense Characteristic Adjustments	721	99.0
(b)(1)(B)(i) Subsection (a)(2) applies and defendant knew proceeds intended for distribution of a controlled substance (6 levels)	122	16.8
(b)(1)(B)(ii) Subsection (a)(2) applies and defendant knew proceeds were intended for a crime of violence (6 levels)	5	0.7
(b)(1)(B)(iii) Subsection (a)(2) applies and defendant knew proceeds intended for firearms explosives (6 levels)	1	0.1
(b)(1) Defendant knew or believed that the funds were proceeds of an unlawful activity involving the manufacturing, importation, or distribution of narcotics or other controlled substance (3 levels) <sup>84</sup>	2	0.3
(b)(2)(A) Defendant convicted under 18 U.S.C. §1957 (1 level)	87	12.0
(b)(2)(A) Defendant convicted under 18 U.S.C. §1957 (2 levels) <sup>85</sup>	1	0.1
(b)(2)(B) Defendant convicted under 18 U.S.C. §1956 (2 levels)	596	81.9
(b)(2)(C) Subsection (a)(2) applies and defendant in business of laundering money (4 levels)	30	4.1
(b)(2)(C) Subsection (a)(2) applies and defendant in business of laundering money (6 levels) <sup>85</sup>	1	0.1
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	61	8.4
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (1 level) <sup>85</sup>	1	0.1

<sup>84</sup> SOC altered and levels changed effective November 1, 2001.

<sup>85</sup> This SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

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**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.3 Structuring Transactions to Evade Reporting Requirements	111	0.2
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds less than \$6,500(BOL 6)	5	4.5
(a)(1) Defendant convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	1	0.9
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$6,500 and \$15,000 (Base Offense Level 8)	8	7.2
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$15,000 and \$40,000 (Base Offense Level 10)	28	25.2
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$40,000 and \$95,000 (Base Offense Level 12)	17	15.3
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$95,000 and \$150,000 (Base Offense Level 14)	8	7.2
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$150,000 and \$250,000 (Base Offense Level 16)	16	14.4
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$250,000 and \$550,000 (Base Offense Level 18)	5	4.5
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$550,000 and \$1,500,000 (Base Offense Level 20)	16	14.4
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$1,500,000 and \$3,500,000 (Base Offense Level 22)	4	3.6
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$3,500,000 and \$9,500,000 (Base Offense Level 24)	2	1.8
(a)(2) §2B1.1 loss table plus 6 levels – laundered funds between \$9,500,000 and \$25,000,000 (Base Offense Level 26)	1	0.9
Chapter 2 Specific Offense Characteristic Adjustments	99	89.2
(b)(1)(A) Defendant knew proceeds were for unlawful activity (2 levels)	30	27.0
(b)(1)(B) Offense involved bulk cash smuggling (2 levels)	62	55.9
(b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12-month period (2 levels)	16	14.4
(b)(3) Subsection (b)(1) does not apply (B) defendant did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes (decrease to lvl 6)	1	0.9

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

Guideline and SOC	Applied	Percent
<b>Part T - Offenses Involving Taxation</b>		
§2T1.1 Tax Evasion	202	0.3
(a)(1) Loss less than \$2,500 (Base offense level 6)	0	0.0
(a)(2) No tax loss (Base offense level 6)	3	1.5
(a)(1) Loss between \$2,500 and \$6,500 (Base offense level 8)	3	1.5
(a)(1) Loss between \$6,500 and \$15,000 (Base offense level 10)	3	1.5
(a)(1) Loss between \$15,000 and \$40,000 (Base offense level 12)	7	3.5
(a)(1) Loss between \$40,000 and \$100,000 (Base offense level 14)	19	9.4
(a)(1) Loss between \$100,000 and \$250,000 (Base offense level 16)	46	22.8
(a)(1) Loss between \$250,000 and \$550,000 (Base offense level 18)	51	25.3
(a)(1) Loss between \$550,000 and \$1,500,000 (Base offense level 20)	45	22.3
(a)(1) Loss between \$1,500,000 and \$3,500,000 (Base offense level 22)	14	6.9
(a)(1) Loss between \$3,500,000 and \$9,500,000 (Base offense level 24)	10	5.0
(a)(1) Loss between \$100,000,000 and \$200,000,000 (Base offense level 32) <sup>86</sup>	1	0.5
Chapter 2 Specific Offense Characteristic Adjustments	63	31.2
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, increase to level 12)	42	20.8
(b)(2) Sophisticated means (2 levels, increase to level 12)	26	12.9

<sup>86</sup> Base offense level threshold amounts were changed effective November 1, 2015.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	121	0.2
(a)(1) Loss less than \$2,500 (Base offense level 6)	1	0.8
(a)(2) No tax loss (Base offense level 6)	0	0.0
(a)(1) Loss between \$15,000 and \$40,000 (Base offense level 12)	2	1.7
(a)(1) Loss between \$40,000 and \$100,000 (Base offense level 14)	12	9.9
(a)(1) Loss between \$100,000 and \$250,000 (Base offense level 16)	30	24.8
(a)(1) Loss between \$250,000 and \$550,000 (Base offense level 18)	32	26.5
(a)(1) Loss between \$550,000 and \$1,500,000 (Base offense level 20)	24	19.8
(a)(1) Loss between \$1,500,000 and \$3,500,000 (Base offense level 22)	15	12.4
(a)(1) Loss between \$3,500,000 and \$9,500,000 (Base offense level 24)	3	2.5
(a)(1) Loss between \$9,500,000 and \$25,000,000 (Base offense level 26)	1	0.8
(a)(1) Loss between \$25,000,000 and \$65,000,000 (Base offense level 28)	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	103	85.1
(b)(1)(A) As part of scheme, defendant derived substantial portion of income (2 levels)	11	9.1
(b)(1)(B) Defendant was in business of preparing tax returns (2 levels)	87	71.9
(b)(2) Sophisticated means (2 levels, increase to level 12)	12	9.9
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	28	0.1
(a) Loss between \$100,000 and \$250,000 (Base offense level 16)	6	21.4
(a) Loss between \$250,000 and \$550,000 (Base offense level 18)	11	39.3
(a) Loss between \$550,000 and \$1,500,000 (Base offense level 20)	5	17.9
(a) Loss between \$1,500,000 and \$3,500,000 (Base offense level 22)	4	14.3
(a) Loss between \$3,500,000 and \$9,500,000 (Base offense level 24)	1	3.6
(a) Loss between \$9,500,000 and \$25,000,000 (Base offense level 26)	1	3.6
No Specific Offense Characteristics for this guideline	NA	NA



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§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	1	0.0
(a)(2) Base offense level 10	0	0.0
(a)(1) Offense level from §2T1.1 or §2T1.4 of 20	1	100.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
(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)	1	100.0
§2T2.1 Non-payment of Taxes	0	0.0
(a) Loss less than \$2,500 (Base offense level 6)	0	0.0
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)	9	0.0
(a)(3) Loss less than \$200 (Base offense level 4)	4	44.4
(a)(1) Loss between \$2,500 and \$6,500 (Base offense level 8)	1	11.1
(a)(1) Loss between \$40,000 and \$100,000 (Base offense level 14)	1	11.1
(a)(1) Loss between \$100,000 and \$250,000 (Base offense level 16)	2	22.2
(a)(1) Loss between \$25,000,000 and \$65,000,000 (Base offense level 28)	1	11.1
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Sophisticated means (2 levels, increase to level 12)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X1.1 Attempt, Solicitation, or Conspiracy	13	0.0
(a) Base offense level 8	2	15.4
(a) Base offense level 13	1	7.7
(a) Base offense level 18	1	7.7
(a) Base offense level 19	1	7.7
(a) Base offense level 20	1	7.7
(a) Base offense level 22	1	7.7
(a) Base offense level 24	1	7.7
(a) Base offense level 25	1	7.7
(a) Base offense level 26	1	7.7
(a) Base offense level 32	1	7.7
(a) Base offense level 33	1	7.7
(a) Base offense level 34	1	7.7
Chapter 2 Specific Offense Characteristic Adjustments	13	100.0
(b)(1) If an attempt (3 level decrease)	7	53.9
(b)(2) If a conspiracy (3 level decrease)	6	46.2
(b)(3) If 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

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X3.1 Accessory After the Fact	55	0.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 4	1	1.8
(a)(2) Base offense level 4	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 6	3	5.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 11	1	1.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 12	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 14	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 15	1	1.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 16	3	5.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 17	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 18	5	9.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 19	1	1.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 20	1	1.8
(a)(3)(b) Conduct limited to harboring a fugitive other described in subdivision (C) – BOL 20	3	5.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 21	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 22	4	7.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 24	4	7.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 25	3	5.5
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 26	1	1.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 27	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 28	2	3.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 30	3	5.5
(a)(3)(A) Base offense level shall not exceed level 30	7	12.7
(a)(3)(C) Limitation in (a)(3)(B) shall not apply (i) defendant is convicted of 18 U.S.C. §§ 2339 or 2339A; or (ii) conduct involved harboring a person who committed an offense listed in the above statutes – BOL shall not exceed level 30	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X4.1 Misprision of a Felony	153	0.3
(a) Nine levels lower than offense level for underlying offense - Base offense level 4	25	16.3
(a) Nine levels lower than offense level for underlying offense - Base offense level 5	18	11.8
(a) Nine levels lower than offense level for underlying offense - Base offense level 6	4	2.6
(a) Nine levels lower than offense level for underlying offense - Base offense level 7	4	2.6
(a) Nine levels lower than offense level for underlying offense - Base offense level 9	9	5.9
(a) Nine levels lower than offense level for underlying offense - Base offense level 10	2	1.3
(a) Nine levels lower than offense level for underlying offense - Base offense level 11	8	5.2
(a) Nine levels lower than offense level for underlying offense - Base offense level 12	1	0.7
(a) Nine levels lower than offense level for underlying offense - Base offense level 13	6	3.9
(a) Nine levels lower than offense level for underlying offense - Base offense level 15	16	10.5
(a) Nine levels lower than offense level for underlying offense - Base offense level 16	1	0.7
(a) Nine levels lower than offense level for underlying offense - Base offense level 17	9	5.9
(a) Nine levels lower than offense level for underlying offense - Base offense level 19	50	32.7
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Offender Based**  
**Fiscal Year 2020**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X5.1 Other Felony Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.2 Other Class A Misdemeanors	140	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2X6.1 Use of a Minor in Crime of Violence	0	0.0
(a) Four levels higher than offense level for underlying crime of violence – BOL 28	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X7.1 Border Tunnels and Subterranean Passages	1	0.0
(a)(1) Convicted under 18 U.S.C. § 555(c) (4 plus underlying smuggling offense, increase to level 16) (Base offense level 46)	0	0.0
(a)(2) Convicted under 18 U.S.C. § 555(a) (Base offense level 16)	0	0.0
(a)(3) Convicted under 18 U.S.C. § 555(b) (Base offense level 8)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X7.2 Submersible and Semi-Submersible Vessels	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Failure to heave to when directed by law enforcement (2 levels)	0	0.0
(b)(1)(B) Attempt to sink the vessel (4 levels)	0	0.0
(b)(1)(C) Sinking of the vessel (8 levels)	0	0.0