

REVISED PROPOSED AMENDMENT: INVOLUNTARY MANSLAUGHTER

Synopsis of Proposed Amendment: *This proposed amendment is a continuation of the Commission's work over the past several years to ensure that the guidelines provide appropriate guideline penalties for offenses involving involuntary manslaughter. In 1994 Congress increased the statutory maximum penalty for involuntary manslaughter offenses from three years to six years imprisonment after receiving a Commission report analyzing federal criminal penalties and recommending that the statutory maximum penalty for involuntary manslaughter be increased to six years. Studies have shown that the heartland of involuntary manslaughter offenses involves vehicular homicide, and that these offenses are punished more severely by many of the states. The Commission further examined both voluntary and involuntary manslaughter offenses in 1997, and in 1998 sent a report to Congress and a letter recommending that the statutory maximum penalty for voluntary manslaughter offenses be increased to permit the Commission to make changes that would maintain proportionality based on offense severity.*

Recently, the Commission has received recommendations from Congress, the Department of Justice, and the Commission's Ad Hoc Advisory Group on Native American Sentencing Issues that it proceed to amend the guidelines for involuntary manslaughter to increase the base offense levels. This proposed amendment increases the base offense level for reckless involuntary manslaughter by 4 levels (from level 14 to level 18). At criminal history category I, this increases the guideline range from a range of 15-21 months to a range of 27-33 months. This proposed amendment also increases the base offense level for criminally negligent involuntary manslaughter by two levels (from level 10 to level 12). At criminal history category I, this increases the guideline range from a range of 6-12 months to a range of 10-16 months, and moves the offense from Zone B into Zone C, although Zone B options would be available for defendants who receive the acceptance of responsibility reduction at §3E1.1(a).

Proposed Amendment:

§2A1.4. Involuntary Manslaughter

- (a) Base Offense Level:
- (1) ~~10~~**12**, if the conduct was criminally negligent; or
 - (2) ~~14~~**18**, if the conduct was reckless.

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