



Chart Prepared by Betty J. Farr,
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**SELECTED FIREARMS OFFENSES
SUMMARY CHART**
Updated April 2012

Title 18	Description	Statutory Max
§ 922 (a)(1)	Willful engagement in firearms business without a license (cf. 26 U.S.C. § 5861(a))	5 years: 924(a)(1)(D)
§ 922 (a)(2)	Willful shipment or transport of firearm to unlicensed recipient	5 years: 924(a)(1)(D)
§ 922 (a)(3)	Willful receipt of firearms from out of state by unlicensed person	5 years: 924(a)(1)(D)
§ 922 (a)(4)	Knowing interstate transport of certain weapons by unlicensed person	5 years: 924(a)(1)(B)
§ 922 (a)(5)	Willful transfer, etc. of weapon by unlicensed person to unlicensed, out-of-state person	5 years: 924(a)(1)(D)
§ 922 (a)(6)	Knowing false statement to purchase firearm (cf. § 924(a)(1)(A), 26 U.S.C. § 5861(l))	10 years: 924(a)(2)
§ 922 (a)(7)	Willful manufacture or importation of armor-piercing ammunition	5 years: 924(a)(1)(D)
§ 922 (a)(8)	Willful sale or delivery of armor-piercing ammunition	5 years: 924(a)(1)(D)
§ 922 (b)(1)	Willful sale by licensee to juvenile (cf. § 922(x)(1))	5 years: 924(a)(1)(D)
§ 922 (b)(2)	Willful sale by licensee to person in violation of state law	5 years: 924(a)(1)(D)
§ 922 (b)(3)	Willful sale by licensee to out-of-state recipient	5 years: 924(a)(1)(D)
§ 922 (b)(4)	Willful sale by licensee of certain prohibited weapons	5 years: 924(a)(1)(D)
§ 922 (b)(5)	Willful sale by licensee without proper record-keeping	5 years: 924(a)(1)(D)
§ 922 (d)	Knowing sale to prohibited person	10 years: 924(a)(2)
§ 922 (e)	Willful delivery of firearm to common carrier without written notice	5 years: 924(a)(1)(D)
§ 922 (g)	Knowing possession of firearm by prohibited person	10 years: 924(a)(2)
§ 922 (i)	Knowing shipment or transport of stolen firearm	10 years: 924(a)(2)
§ 922 (j)	Knowing possession, etc., of stolen firearm (cf. § 922(u), § 924(l), (m))	10 years: 924(a)(2)
§ 922 (k)	Knowing possession, receipt, etc. of firearm with altered/obliterated serial #	5 years: 924(a)(1)(B)
§ 922 (l)	Knowing importation or receipt of firearms (cf. 26 U.S.C. §5861(k))	5 years: 924(a)(1)(C)
§ 922 (m)	Knowing falsification of records by licensee (cf. 26 U.S.C. § 5861(l))	1 year: 924(a)(3)
§ 922 (n)	Knowing shipment, transport, receipt of firearms by person under felony indict.	5 years: 924(a)(1)(D)
§ 922 (o)	Knowing possession of machine gun	10 years: 924(a)(2)
§ 922 (p)	Knowing manufacture, sale, possession, etc. of firearm designed to avoid detection	5 years: 924(f)
§ 922(q)(2)(3)	Knowing manufacture, sale, possession, etc. of firearm designed to avoid detection	5 yrs consec: 924(a)(4)
§ 922 (r)	Knowing assembly of shotgun or semiautomatic rifle from imported parts	5 years: 924(a)(1)(B)
§ 922 (s)	Knowing sale or transfer of handgun without background check	1 year: 924(a)(5)
§ 922 (t)	Knowing transfer of firearms without background check	1 year: 924(a)(5)
§ 922 (u)	Knowing theft of firearms from licensee (cf. § 922(j), § 924(l), (m))	10 years: 924(i)
§ 922 (v)	Knowing possession, transfer, or manufacture of semiautomatic assault weapon	5 years: 924(a)(1)(B)

SELECTED FIREARMS OFFENSES SUMMARY CHART CONT.

Title 18	Description	Statutory Max
§ 922 (w)	Knowing possession or transfer of large capacity ammunition feeding device	5 years: 924(a)(1)(B)
§ 922 (x)(1)	Sale or transfer of handgun to juvenile (mens rea varies) (cf. § 922(b)(1))	1 or 10 yrs: 924(a)(6)(B)
§ 922 (x)(2)	Knowing possession of handgun by juvenile	1 year: 924(a)(6)(A)
§ 924(a)(1)(A)	Knowing making of false statements (cf. § 922(a)(6), 26 U.S.C. § 5861 (f))	5 years: 924(a)(1)(A)
§ 924(a)(3)(A)	Knowing making of false statements by licensee (cf. § 922(m))	1 year: 924(a)(3)
§ 924 (b)	Shipping, transport, or receipt of firearms with intent to commit felony	10 years: 924(b)
§ 924 (c)	Carrying, using, etc. firearms during crime of violence or drug trafficking crime	5/7/10/25/30 yrs <i>consec.</i>
§ 924 (e)	ACCA: convicted under § 922(g) with 3 prior serious drug or violent felony convictions	15 yrs <i>man. min.</i> : 924(e)
§ 924 (g)	Interstate travel to acquire/transfer firearms with intent to commit spec'd off.(s)	10 years: 924(g)
§ 924 (h)	Transfer of firearm knowing it will be used to commit specified offenses	10 years: 924(h)
§ 924 (j)	Causing death during § 924(c) violation	Death, life, term: 924(j)
§ 924 (k)	Smuggling firearms into U.S. with intent to commit specified offenses	10 years: 924(k)
§ 924 (l)	Theft of firearms (cf. § 922(j), (u), § 924(m))	10 years: 924(l)
§ 924 (m)	Theft of firearms from licensee (cf. § 922(j), (u), § 924(l))	10 years: 924(m)
§ 924 (n)	Travel into or within U.S. with intent to violate § 922(a)(1)(A)	10 years: 924(n)
§ 924 (o)	Conspiracy to violate § 924(c)	20 yrs or more: 924(o)
§ 929 (a)	§ 924 (c) violation while in possession of armor-piercing ammunition	5 yrs <i>consecutive</i>
§ 930 (a)	Knowing possession of firearms in federal facility	1 year: 930(a)
Title 26	Description	Statutory Max
§ 5861(a)	Failure to register as dealer, manufacturer, or importer (cf. 18 U.S.C. § 922(a)(1))	10 years: 5871
§ 5861(b)	Receipt or possession of firearms transferred in violation of chapter	10 years: 5871
§ 5861(c)	Receipt or possession of firearm made in violation of chapter	10 years: 5871
§ 5861(d)	Receipt or possession of unregistered firearm	10 years: 5871
§ 5861(e)	Transfer of firearms in violation of chapter	10 years: 5871
§ 5861(f)	Making of firearms in violation of chapter	10 years: 5871
§ 5861(g)	Obliteration, alteration, or removal of serial number (cf. 18 U.S.C. § 922(k))	10 years: 5871
§ 5861(h)	Receipt/possession of firearm with obliterated/altered serial # (cf. 18 U.S.C. § 922(k))	10 years: 5871
§ 5861(i)	Receipt/possession of firearm unidentified by serial number (cf. 18 U.S.C. § 922(k))	10 years: 5871
§ 5861(j)	Transport, delivery, or receipt of unregistered firearm	10 years: 5871
§ 5861(k)	Receipt or possession of unlawfully imported firearm (cf. 18 U.S.C. § 922(l))	10 years: 5871
§ 5861(l)	Knowingly making false entry on application or record	10 years: 5871



MANDATORY MINIMUMS AND AMOUNT TRIGGERS UNDER 21 U.S.C. § 841 AND 844

Drug + Amount Needed To Trigger the Minimum Under § 841(b)(1)(A)	Mandatory Minimum	Mandatory Minimum With Death/Injury Or One Prior Drug Conviction.*	Mandatory Minimum With One Prior Drug Conv. + Death/Injury Or Two Prior Convictions.*
Heroin 1 kilo	10 yrs. to life	20 yrs. to life	Mandatory life
Cocaine 5 kilos			
Crack 280 grams			
PCP 100 grams			
LSD 10 grams			
Opiates 400 grams			
Opiate Analogs 100 grams			
Meth 50 grams			
Meth Mixture 500 grams			
Marijuana 1000 kilos			

Drug + Amount Needed To Trigger Mandatory Minimum Under § 841(b)(1)(B)	Mandatory Minimum	Mandatory Minimum With One Prior Conviction*	Mandatory Minimum With Death/Injury	Mandatory Minimum With One Prior Conviction + Death/Injury*
Heroin 100 grams	5 yrs. to 40 yrs	10 yrs. to life	20 yrs. to life	Mandatory life
Cocaine 500 grams				
Crack 28 grams				
PCP 10 grams				
LSD 1 gram				
Opiates 40 grams				
Opiate Analogs 10 grams				
Meth 5 grams				
Meth Mixture 50 grams				
Marijuana 100 kilos				

* 21 U.S.C. § 851(a) requires notice of the specific prior convictions by information filed with the court prior to trial or plea. There is a limited right to challenge the validity of these prior convictions. See 18 U.S.C. § 851(e). *United States v. Ortega*, 150 F.3d 937, 947 (8th Cir. 1998). The statute does not mention notice regarding death or injury.



MANDATORY MINIMUMS AND AMOUNT TRIGGERS UNDER 21 U.S.C. § 841 AND 844

Drug + Amount Needed To Trigger* Mandatory Minimum Under § 841(b)(1)(C)	Mandatory Minimum	Mandatory Minimum With Death/Injury	Mandatory Minimum With One Prior Conviction + Death/Injury
Schedule I & II Substances Not Listed in (A), (B), or (D) and 1 g. Flunitrazepam	No Minimum, Maximum 20 years., or Max. 30 yrs. With One Prior Conviction	20 yrs. to life	Mandatory life

Drug + Amount Needed To Trigger Mandatory Minimum Under § 841(b)(1)(D)	Mandatory Minimum	Mandatory Minimum One Prior Drug Conviction
Marijuana <50 kilos	No Minimum, Max. 5 yrs.	No Minimum, Max. 10 yrs.
Hashish <10 kilos		
Hashish oil <1 kilo		
Schedule IV Substances	No Minimum, Max 5 yrs.	No Minimum, Max. 10 yrs.
Schedule V Substances	No Minimum, Max. 1 yr.	No Minimum, Max. 4 yrs.

***All enhanced minimums:** The government must serve notice on the defendant by filing an information with the Court pursuant to 21 U.S.C. § 851 before trial or plea to invoke the enhanced penalties at sentencing.

**** All mandatory minimums for simple possession of crack was eliminated by the Fair Sentencing Act of 2010, which became effective November 1, 2010.** 21 U.S.C. § 844.

Other Statutory Drug Doublers

Other Drug Statutory Doublers	Penalty
Communication facility, 21 U.S.C. § 843(b) and (d)	Max. 8 yrs., if one prior drug conviction
Drug Manuf. Equip., 21 U.S.C. § 843(a)(6) &(7) &(d)	Max. 20 yrs., if equip. for meth. and one prior conviction.

Updated April, 2012, by Betty J. Farr, Paralegal for the Arkansas Federal Public Defender Organization



CALCULATING CRIMINAL HISTORY: AN OUTLINE

1. U.S.S.G. CHAPTER 4, PART A:

- THE GUIDELINE SENTENCING TABLE IS COMPRISED OF TWO COMPONENTS: OFFENSE LEVEL AND CRIMINAL HISTORY CATEGORY.
- DETERMINING THE AXIS OF THESE TWO COMPONENTS OF THE TABLE, AS TO YOUR CLIENT, REVEALS THE SENTENCING GUIDELINE RANGE FOR YOUR CLIENT.
- ACCURATELY DETERMINING A DEFENDANT'S CRIMINAL HISTORY IS CRUCIAL TO PROPERLY ADVISING HIM/HER OF THE PROBABLE SENTENCE.

2. CRIMINAL HISTORY CATEGORIES (§ 4A1.1):

- ADD 3 POINTS FOR EACH PRIOR SENTENCE EXCEEDING 1 YEAR AND 1 MONTH.
- ADD 2 POINTS FOR EACH PRIOR SENTENCE OF AT LEAST 60 DAYS.
- ADD 1 POINT FOR EACH PRIOR SENTENCE OF LESS THAN 60 DAYS -- INCLUDING FINES ONLY, PROBATION, SUSPENDED SENTENCES, OR DEFERRED SENTENCES.

(4 POINTS MAXIMUM IN THIS CATEGORY)

- ADD 2 POINTS IF DEFENDANT COMMITTED THE INSTANT OFFENSE WHILE ON: PROBATION, PAROLE, SUPERVISED RELEASE, IMPRISONMENT, WORK RELEASE, OR ESCAPE STATUS.
- ADD 1 POINT FOR EACH PRIOR SENTENCE FOR A CRIME OF VIOLENCE NOT RECEIVING POINTS BECAUSE IT WAS RELATED TO ANOTHER SENTENCE FOR A CRIME OF VIOLENCE (UP TO 3 POINTS). NOT APPLICABLE WHERE SENTENCES ARE RELATED BECAUSE THE OFFENSE OCCURRED ON THE SAME OCCASION.

3. DEFINITIONS (§ 4A1.2):

(a) "PRIOR SENTENCE" DEFINED (§ 4A1.2(a)):

- ANY SENTENCE PREVIOUSLY IMPOSED UPON A DETERMINATION OF GUILT VIA GUILTY PLEA, TRIAL, OR PLEA OF *NOLO CONTENDERE* FOR CONDUCT NOT RELATED TO THE INSTANT OFFENSE.
- **IMPORTANT NOTE:** WHERE DEFENDANT IS CONVICTED VIA TRIAL OR PLEA AFTER ARREST BUT PRIOR TO PLEA OR SENTENCING ON THE INSTANT OFFENSE -- THAT CONVICTION IS COUNTABLE FOR CRIMINAL HISTORY DETERMINATION.

(b) "SENTENCE OF IMPRISONMENT" DEFINED (§ 4A1.2(b)):

- MAXIMUM SENTENCE IMPOSED RATHER THAN AMOUNT OF TIME SERVED.

4. SENTENCES COUNTED (§ 4A1.2(c)):

- (a) ALL FELONIES
- (b) MISDEMEANORS



CALCULATING CRIMINAL HISTORY CONTINUED



4. SENTENCES COUNTED (§ 4A1.2(c)) (continued):

(IF DEFENDANT RECEIVED A TERM OF PROBATION OF MORE THAN 1 YEAR OR AT LEAST 30 DAYS IN JAIL OR IF PRIOR OFFENSE WAS SIMILAR TO INSTANT OFFENSE.)

NOTE: THE FOLLOWING MISDEMEANORS ARE NOT COUNTED:

- CARELESS OR RECKLESS DRIVING
- CONTEMPT OF COURT
- FALSE INFO TO POLICE OFFICER
- RESISTING ARREST
- HOT CHECKS
- DISORDERLY CONDUCT OR DISTURBING THE PEACE
- FAILURE TO OBEY POLICE OFFICER
- LEAVING SCENE OF ACCIDENT
- PROSTITUTION
- TRESPASSING
- DRIVING WITHOUT LICENSE/REVOKED OR SUSPENDED LICENSE
- GAMBLING

NOTE: NEVER COUNT THESE OFFENSES:

- HITCHHIKING
- LOITERING
- JUVENILE STATUS OFFENSES
- MINOR TRAFFIC INFRACTIONS
- FISH AND GAME VIOLATIONS
- PUBLIC INTOXICATION
- VAGRANCY

(c) OFFENSE(S) PRIOR TO AGE 18:

- IF CONVICTED AS ADULT AND SENTENCES OF 1 YEAR OR MORE = 3 POINTS
- JUVENILE CONVICTIONS AND SENTENCES OF AT LEAST 60 DAYS WITHIN 5 YEARS OF COMMENCEMENT OF INSTANT OFFENSE = 2 POINTS
- JUVENILE CONVICTIONS WITHIN 5 YEARS OF DEFENDANT'S COMMENCEMENT OF INSTANT OFFENSE = 1 POINT

5. TIME PERIOD (WHEN CONVICTIONS ARE TOO OLD TO USE) (§ 4A1.1(e)):

- FELONIES (1 YEAR AND 1 MONTH) COUNTABLE FOR 15 YEARS FROM END OF SENTENCE (INCLUDING PAROLE EXPIRATIONS).
- ALL OTHER PRIOR SENTENCES = WITHIN 10 YEARS OF COMMENCEMENT OF INSTANT OFFENSE.

6. OTHER CRIMINAL HISTORY NOTES:

- DIVERSIONS NOT COUNTED IF FROM DEFERRED PROSECUTION.
- DIVERSIONS COUNTED IF AFTER FINDING OF GUILT OR *NOLO CONTENDERE*.
- MILITARY SENTENCES COUNTED IF IMPOSED BY COURT MARTIAL.
- SUMMARY COURT MARTIAL OR ARTICLE 15 PROCEEDING NOT COUNTED.
- FOREIGN SENTENCES NOT COUNTED BUT MAY BE CONSIDERED.
- TRIBAL CONVICTIONS NOT COUNTED BUT MAY BE CONSIDERED.
- EXPUNGED CONVICTIONS NOT COUNTED BUT MAY BE CONSIDERED.
- PRIOR SENTENCES ON APPEAL ARE COUNTED.

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Department of Justice Pretrial Diversion Program (PTD)



Summary of PTD Program and Requirements

Overview	Major Objectives	Eligibility	Procedures
<ul style="list-style-type: none"> • Pretrial Diversion (PTD) is an alternative to prosecution. • The program is administered by the United States Probation Service. • PTD seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and service. • Most offenders are diverted at the pre-charge stage. • Participants who successfully complete the program will not be charged. • Participants who are charged will have their charges dismissed. • Unsuccessful participants are returned for prosecution. 	<ul style="list-style-type: none"> • To prevent future criminal activity. • To divert offenders from traditional processing into community supervision and services. • To save prosecution and judicial resources for concentration on major cases. • Where appropriate, to provide a vehicle for restitution to communities and crime victims. • The period of supervision is not to exceed eighteen months, but may be reduced. 	<ul style="list-style-type: none"> • The U.S. Attorney has discretion to divert any individual against whom a case exists and who is not: <ul style="list-style-type: none"> ▶ Accused of an offense which should be diverted to the State for prosecution; ▶ A person with two or more prior felony convictions; ▶ A public official or former public official accused of an offense arising out of an alleged violation of a public trust; or ▶ Accused of an offense related to national security or foreign affairs. 	<ul style="list-style-type: none"> • Divertees are initially selected by the U.S. Attorney at the pre-charge stage, or at any point (prior to trial) at which a PTD agreement is effected. • Participation in the program is voluntary: <ul style="list-style-type: none"> ▶ Divertees must sign a contract agreement waiving speedy trial and the statute of limitations; ▶ Divertees must have advice of counsel; ▶ If counsel cannot be afforded, one will be appointed; ▶ Appointment of counsel is made through the U.S. Magistrate Judge • All information obtained in making the decision to divert is confidential, except written statements may be used for impeachment purposes. • Upon determining eligibility, the U.S. Attorney refers the case and investigation reports to the Chief Pretrial Services Officer or the Chief Probation Officer for recommendation on the suitability of the offender for supervision. • Pretrial Services will arrange with the U.S. Marshal to have the divertree fingerprinted & have fingerprints sent to the FBI as part of background investigation. • Pretrial Services should request notification of any prior record on the divertree from the FBI Identification Division Records. • If PTD is appropriate, supervision is tailored to the offender's needs and may include: employment; counseling; education; job training; and psychiatric care. • Restitution or community service may be required as part of the pretrial program.



SENTENCE ENHANCERS



LAW	CAREER OFFENDER 28 U.S.C. § 994(h); USSG § 4B1.1	ARMED CAREER CRIMINAL 18 U.S.C. § 924(e); USSG § 4B1.4	THREE STRIKES 18 U.S.C. § 3559(c)
REQUIREMENTS	I. The defendant is at least 18 years old. II. The instant offense of conviction is a felony that is a crime of violence or controlled substance offense. III. The defendant has two or more prior felonies, for a crime of violence or controlled substance offense.	I. The defendant violated 18 U.S.C. § 922(g) (felon in possession of a firearm). II. The defendant has three previous convictions for a violent felony or serious drug offense, or both, committed on different occasions.	I. The instant offense the defendant is convicted of is a serious violent felony. II. The defendant has previously been convicted of two or more serious violent felonies OR one or more serious violent felony & one or more serious drug offense. III. Each such offense, other than the first, was committed after the defendant's conviction of the preceding violent felony or serious drug offense.
DEFINITIONS	<p>Crime of Violence: any offense under federal or state law punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against another person OR is burglary of a dwelling, arson, or extortion; involves the use of explosives; or otherwise involves conduct that presents a serious potential risk of physical injury to another.</p> <p>Controlled Substance Offense: an offense under federal or state law punishable by more than one year in prison, that prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance or counterfeit substance, or the possession of a controlled substance or counterfeit substance with intent to manufacture, import, export, distribute, or dispense.</p>	<p>Violent Felony: Any felony or any act of juvenile delinquency involving the use or carrying of a firearm, knife or destructive device that would be a felony if committed by an adult, that has as an element the use, attempted use, or threatened use of physical force against another person OR is burglary, arson, or extortion; involves the use of explosives; or otherwise involves conduct that presents a serious potential risk of physical injury.</p> <p>Serious Drug Offense: an offense under 21 U.S.C. § 801 et seq., 21 U.S.C. § 951 et seq., or 46 U.S.C. § 705 for which the maximum term of imprisonment of 10 years or more is prescribed by law OR an offense under state law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance as defined in 21 U.S.C. § 802.</p>	<p>Serious Violent Felony: a federal or state offense, by whatever designation & wherever committed, consisting of murder; manslaughter; assault with intent to commit murder or rape; aggravated sexual abuse & sexual abuse; abusive sexual contact; kidnaping; aircraft piracy; robbery; carjacking; extortion; arson; firearms use; firearms possession; or attempt, conspiracy, or solicitation to commit any of the above offenses.</p> <p>Serious Drug Offense: any offense punishable under 21 U.S.C. § 841(b)(1)(A) or § 848 or 21 U.S.C. § 960(b)(1)(A) OR an offense under state law that, had the offense been prosecuted in a court of the United States, would have been punishable under any of the above provisions.</p>
RESULTS	<ul style="list-style-type: none"> The offense level is determined by the offense statutory maximum & ranges from 12 to 37. Under sentencing guidelines, criminal history, in every case, becomes VI. 	<ul style="list-style-type: none"> Under 18 U.S.C. § 924(e), 15 year mandatory minimum. Criminal history becomes IV, at minimum, and offense level is increased to 33 or 34. 	<ul style="list-style-type: none"> Mandatory sentence of life imprisonment.
NOTES	<ul style="list-style-type: none"> Prior convictions must be within 15 years of the instant offense determined from date of guilty plea, trial, or plea of <i>nolo contendere</i>. Prior convictions must be counted separately under USSG § 4A1.1(a),(b), or (c). Enhancement is automatic & does not require notice. 	<ul style="list-style-type: none"> No time limit on prior convictions. Enhancement is automatic & does not require notice. Only motions under USSG § 5K1.1 or Federal Rule of Criminal Procedure 35, with 18 U.S.C. § 3553(e) can reduce sentence to less than 15 years. 	<ul style="list-style-type: none"> No time limit on prior convictions. Under 21 U.S.C. § 851(a), the US Attorney must file an information with the court & serve a copy of such information on the defendant identifying the prior conviction to be relied upon.



SENTENCE ENHANCERS: DOUBLING MANDATORY MINIMUMS IN DRUG CASES



LAW	21 U.S.C. § 841(b)(1)(A)	21 U.S.C. § 841(b)(1)(B)																																
REQUIREMENTS	<p>1. The defendant has been convicted of knowingly & intentionally manufacturing, distributing or dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled substance OR knowingly & intentionally created, distributed, or dispensed, or possessed with intent to distribute or dispense, a counterfeit substance.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 20%;">DRUG</th> <th style="width: 80%;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td>Heroin</td> <td>1 kilogram or more</td> </tr> <tr> <td>Cocaine</td> <td>5 kilograms or more</td> </tr> <tr> <td>Crack</td> <td>280 grams or more</td> </tr> <tr> <td>PCP</td> <td>100 grams or more pure OR 1 kilogram or more mixture</td> </tr> <tr> <td>LSD</td> <td>10 grams or more</td> </tr> <tr> <td>Marijuana</td> <td>1000 kilograms or more OR 1000 or more plants</td> </tr> <tr> <td>Meth</td> <td>50 grams pure OR 500 grams mixture</td> </tr> </tbody> </table> <p>2. The defendant has previously been convicted of one or more felony drug offenses.</p>	DRUG	AMOUNT	Heroin	1 kilogram or more	Cocaine	5 kilograms or more	Crack	280 grams or more	PCP	100 grams or more pure OR 1 kilogram or more mixture	LSD	10 grams or more	Marijuana	1000 kilograms or more OR 1000 or more plants	Meth	50 grams pure OR 500 grams mixture	<p>1. The defendant has been convicted of knowingly & intentionally manufacturing, distributing or dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled substance OR knowingly & intentionally created, distributed, or dispensed, or possessed with intent to distribute or dispense, a counterfeit substance.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 20%;">DRUG</th> <th style="width: 80%;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td>Heroin</td> <td>100 grams or more</td> </tr> <tr> <td>Cocaine</td> <td>500 grams or more</td> </tr> <tr> <td>Crack</td> <td>28 grams or more</td> </tr> <tr> <td>PCP</td> <td>10 grams or more pure OR 100 grams or more mixture</td> </tr> <tr> <td>LSD</td> <td>1 gram or more</td> </tr> <tr> <td>Marijuana</td> <td>100 kilograms or more OR 100 or more plants</td> </tr> <tr> <td>Meth</td> <td>5 grams pure OR 50 grams mixture</td> </tr> </tbody> </table> <p>2. The defendant has previously been convicted of a felony drug offense.</p>	DRUG	AMOUNT	Heroin	100 grams or more	Cocaine	500 grams or more	Crack	28 grams or more	PCP	10 grams or more pure OR 100 grams or more mixture	LSD	1 gram or more	Marijuana	100 kilograms or more OR 100 or more plants	Meth	5 grams pure OR 50 grams mixture
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DEF.	<p>Felony Drug Offense: Any state or federal offense, classified as a felony, which involves the manufacture, distribution, possession, or possession with intent to manufacture, distribute, or dispense a controlled substance or counterfeit substance.</p>	<p>Felony Drug Offense: Any state or federal offense, classified as a felony, which involves the manufacture, distribution, possession, or possession with intent to manufacture, distribute, or dispense a controlled substance or counterfeit substance.</p>																																
RESULTS	<ul style="list-style-type: none"> • If the defendant has one previous felony drug offense conviction: <ul style="list-style-type: none"> ▶ Minimum sentence of 20 years & not more than life imprisonment • If the defendant has one previous felony drug offense conviction & death or serious bodily injury resulted from the use of such substance: <ul style="list-style-type: none"> ▶ Sentence of life imprisonment • If the defendant has two or more prior convictions for a felony drug offenses: <ul style="list-style-type: none"> ▶ Mandatory term of life imprisonment without release 	<ul style="list-style-type: none"> • If the defendant has a previous felony drug offense conviction: <ul style="list-style-type: none"> ▶ Minimum sentence of 10 years & not more than life imprisonment • If the defendant has a previous felony drug offense conviction & death or serious bodily injury resulted from the use of such substance: <ul style="list-style-type: none"> ▶ Sentence of life imprisonment 																																
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SENTENCE REDUCERS



PROVISION	LAW	REQUIREMENTS	RESULTS
SAFETY VALVE	<p>18 U.S.C. § 3553(f)</p> <p>USSG § 5C1.2</p>	<ol style="list-style-type: none"> 1. Applies to convictions under 21 U.S.C. §§ 841, 844, 846, 960, or 963. 2. Defendant does not have more than one criminal history point as determined by the sentencing guidelines. 3. In connection with the instant offense, the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so). 4. The instant offense did not result in death or serious bodily injury to any person. 5. Defendant was not an organizer, leader, manager, or supervisor of others in the offense under the sentencing guidelines & was not engaged in a continuing criminal enterprise under the Controlled Substances Act. 6. Defendant, no later than the time of sentencing, has truthfully provided to the government all information and evidence he has concerning the offense(s) that were part of the same course of conduct or of a common scheme or plan. 	<ul style="list-style-type: none"> • A defendant who meets the criteria is exempt from any statutory minimum sentence of imprisonment & statutory minimum term of supervised release. • Sentence is at discretion of sentencing court.
SUBSTANTIAL ASSISTANCE	<p>USSG § 5K1.1</p> <p>18 U.S.C. § 3553(e)</p>	<ol style="list-style-type: none"> 1. Motion made by the government stating that the defendant has provided "substantial assistance" in the investigation or prosecution of another person who has committed an offense. 2. Motion is also based on 18 U.S.C. § 3553(e). <p>★ Substantial weight should be given to the government's evaluation of the extent of the defendant's assistance.</p> <p>★ Sentencing judge must state the reasons for the reduction.</p>	<ul style="list-style-type: none"> • The court, at its discretion, may reduce the sentence to a level below the sentencing guidelines. • No limit on downward departure.
DRUG REHABILITATION	<p>18 U.S.C. § 3621(e)</p>	<ol style="list-style-type: none"> 1. Defendant must be an "eligible prisoner" <ul style="list-style-type: none"> ▸ determined by BOP to have a substance abuse problem ▸ willing to participate in a residential substance abuse treatment program 2. Defendant was convicted of a nonviolent offense. 3. There are no detainers or INS holds on the defendant. 	<ul style="list-style-type: none"> • Following successful completion of a treatment program, the period of custody may be reduced by the BOP by up to one year. • Reduction of sentence is at the discretion of the Director of the BOP.



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SUBSTANTIAL ASSISTANCE	<p>Rule 35</p> <p>18 U.S.C. § 3553(e)</p>	<p>1. Motion made by the government within one year of sentencing that the defendant, after sentencing, provided substantial assistance in investigating or prosecuting another person.</p> <p style="text-align: center;">OR</p> <p>Motion made by the government more than one year after sentencing stating that the defendant's substantial assistance involved: information not known to the defendant until one year after sentencing; information provided by the defendant within one year of sentencing, but which did not become useful until more than one year after sentencing; or information the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after sentencing & which was promptly provided to the government after its usefulness was reasonably apparent to the defendant.</p> <p>2. Motion is filed with reference to 18 U.S.C. § 3553(e).</p>	<ul style="list-style-type: none"> • The court, at its discretion, may reduce the sentence to a level below the minimum sentence established by statute. • No limit on downward departure.
GOOD TIME	<p>18 U.S.C. § 3624</p>	<p>1. Defendant is serving a term of imprisonment of more than one year, but less than life.</p> <p>2. Defendant, as determined by the BOP, has displayed exemplary compliance with institutional disciplinary regulations.</p> <p>★ In awarding credit, the BOP shall consider whether the prisoner is making satisfactory progress toward earning a high school diploma or equivalent degree.</p> <p>★ The defendant may receive credit, beyond the time served, of up to 54 days, per year, for each year served of the sentence at BOP discretion.</p>	<ul style="list-style-type: none"> • Any reduction in the sentence is at the discretion of the BOP.
HALFWAY HOUSE	<p>18 U.S.C. § 3624(c)</p>	<p>1. BOP must consider the resources of the facility contemplated; the nature & circumstances of the offense; the history & characteristics of the prisoner; any statements by the court that imposed the sentence concerning the purposes for which the sentence to imprisonment was determined to be warranted or other recommendations; & any pertinent policy statement issued by the U.S. Sentencing Commission.</p> <p>2. Determined on an individual basis.</p> <p>3. Time in halfway house should be of sufficient duration to provide the greatest likelihood of successful reintegration into the community.</p> <p>★ Even if released, the defendant remains in Federal custody & is monitored 24 hours a day.</p>	<ul style="list-style-type: none"> • The defendant is released from prison to a halfway house up to 12 months prior to the sentence expiration date at discretion of BOP & availability of facilities.



§ 3553(a) SENTENCING FACTORS



In imposing a sentence, the court shall consider:	<ul style="list-style-type: none">▶ the nature and circumstances of the offense▶ the history and characteristics of the defendant
The court shall also impose a sentence that is sufficient, but not greater than necessary to:	<ul style="list-style-type: none">▶ reflect the seriousness of the offense▶ promote respect for the law▶ provide just punishment for the offense▶ afford adequate deterrence to criminal conduct▶ protect the public from further crimes of the defendant▶ provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner▶ avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct
The court should also consider:	<ul style="list-style-type: none">▶ the kinds of sentences available▶ any pertinent policy statement issued by the Sentencing Commission

In the case of a violation of probation or supervised release, in imposing a sentence, the court shall consider:	<ul style="list-style-type: none">▶ all of the above factors▶ the applicable guidelines or policy statements issued by the Sentencing Commission▶ any amendments made to such guidelines or policy statements by act of Congress
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Chart prepared by AFD Molly Sullivan, Arkansas Federal Public Defender Organization
Updated April, 2012, by Betty J. Farr, Paralegal



GOOD TIME TABLE

This table has been prepared by the Federal Defender Program of Chicago in September of 2001 merely as a predictive tool. Hopefully it is accurate to within a day or so. It is not an official Bureau of Prisons document and should not be relied on as such. Please note that good time credits do not apply to sentences of one year or less.

Created By Dan Hesler with assistane from Rollins Warden and Estella Pegeuro

Sentence in Months	Sentence in Years Months		Good Time in Days	Actual Time to Serve Years Months Days			Sentence in Months	Sentence in Years Months		Good Time in Days	Actual Time to Serve Years Months Days		
	Years	Months		Years	Months	Days		Years	Months		Years	Months	Days
12	1	0	47	0	10	14	52	4	4	204	3	9	10
13	1	1	51	0	11	10	53	4	5	208	3	10	6
14	1	2	55	1	0	6	54	4	6	212	3	11	2
15	1	3	59	1	1	2	55	4	7	216	3	11	28
16	1	4	63	1	1	28	56	4	8	220	4	0	24
17	1	5	67	1	2	25	57	4	9	224	4	1	21
18	1	6	71	1	3	21	58	4	10	227	4	2	17
19	1	7	74	1	4	17	59	4	11	231	4	3	13
20	1	8	78	1	5	13	60	5	0	235	4	4	9
21	1	9	82	1	6	9	61	5	1	239	4	5	5
22	1	10	86	1	7	5	62	5	2	243	4	6	1
23	1	11	90	1	8	1	63	5	3	247	4	6	28
24	2	0	94	1	8	28	64	5	4	251	4	7	24
25	2	1	98	1	9	24	65	5	5	255	4	8	20
26	2	2	102	1	10	20	66	5	6	259	4	9	16
27	2	3	106	1	11	16	67	5	7	263	4	10	12
28	2	4	110	2	0	12	68	5	8	267	4	11	8
29	2	5	114	2	1	8	69	5	9	271	5	0	4
30	2	6	118	2	2	4	70	5	10	275	5	1	0
31	2	7	121	2	3	0	71	5	11	278	5	1	27
32	2	8	125	2	3	27	72	6	0	282	5	2	23
33	2	9	129	2	4	23	73	6	1	286	5	3	19
34	2	10	133	2	5	19	74	6	2	290	5	4	15
35	2	11	137	2	6	15	75	6	3	294	5	5	11
36	3	0	141	2	7	11	76	6	4	298	5	6	7
37	3	1	145	2	8	7	77	6	5	302	5	7	3
38	3	2	149	2	9	4	78	6	6	306	5	7	30
39	3	3	153	2	9	30	79	6	7	310	5	8	26
40	3	4	157	2	10	26	80	6	8	314	5	9	22
41	3	5	161	2	11	22	81	6	9	318	5	10	18
42	3	6	165	3	0	18	82	6	10	322	5	11	14
43	3	7	169	3	1	14	83	6	11	325	6	0	10
44	3	8	173	3	2	10	84	7	0	329	6	1	6
45	3	9	176	3	3	6	85	7	1	333	6	2	3
46	3	10	180	3	4	3	86	7	2	337	6	2	29
47	3	11	184	3	4	29	87	7	3	341	6	3	25
48	4	0	188	3	5	25	88	7	4	345	6	4	21
49	4	1	192	3	6	21	89	7	5	349	6	5	17
50	4	2	196	3	7	18	90	7	6	353	6	6	13
51	4	3	200	3	8	14	91	7	7	357	6	7	10

92	7	8	361	6	8	6	189	15	9	741	13	8	23
93	7	9	365	6	9	2	192	16	0	753	13	11	11
94	7	10	369	6	9	28	195	16	3	765	14	1	30
95	7	11	373	6	10	25	198	16	6	777	14	4	18
96	8	0	377	6	11	21	201	16	9	788	14	7	6
97	8	1	380	7	0	17	204	17	0	800	14	9	25
98	8	2	384	7	1	13	207	17	3	812	15	0	13
99	8	3	388	7	2	9	210	17	6	824	15	3	1
100	8	4	392	7	3	5	213	17	9	835	15	5	20
101	8	5	396	7	4	1	216	18	0	847	15	8	9
102	8	6	400	7	4	28	219	18	3	859	15	10	27
103	8	7	404	7	5	24	222	18	6	871	16	1	15
104	8	8	408	7	6	20	225	18	9	882	16	4	4
105	8	9	412	7	7	16	228	19	0	894	16	6	23
106	8	10	416	7	8	12	231	19	3	906	16	9	11
107	8	11	420	7	9	8	234	19	6	918	16	11	30
108	9	0	424	7	10	4	237	19	9	930	17	2	18
109	9	1	428	7	11	0	240	20	0	941	17	5	6
110	9	2	431	7	11	27	243	20	3	953	17	7	25
111	9	3	435	8	0	23	246	20	6	965	17	10	13
112	9	4	439	8	1	19	249	20	9	977	18	1	1
113	9	5	443	8	2	15	252	21	0	988	18	3	20
114	9	6	447	8	3	11	255	21	3	1000	18	6	8
117	9	9	459	8	5	30	258	21	6	1012	18	8	27
120	10	0	471	8	8	18	261	21	9	1024	18	11	16
123	10	3	482	8	11	6	264	22	0	1035	19	2	4
126	10	6	494	9	1	25	267	22	3	1047	19	4	22
129	10	9	506	9	4	13	270	22	6	1059	19	7	11
132	11	0	518	9	7	2	273	22	9	1071	19	9	30
135	11	3	529	9	9	20	276	23	0	1083	20	0	18
138	11	6	541	10	0	9	279	23	3	1094	20	3	6
141	11	9	553	10	2	27	282	23	6	1106	20	5	25
144	12	0	565	10	5	16	285	23	9	1118	20	8	13
147	12	3	577	10	8	4	288	24	0	1130	20	11	1
150	12	6	588	10	10	23	291	24	3	1141	21	1	20
153	12	9	600	11	1	11	294	24	6	1153	21	4	8
156	13	0	612	11	3	30	297	24	9	1165	21	6	27
159	13	3	624	11	6	18	300	25	0	1177	21	9	15
162	13	6	635	11	9	6	303	25	3	1188	22	0	4
165	13	9	647	11	11	25	306	25	6	1200	22	2	22
168	14	0	659	12	2	13	309	25	9	1212	22	5	11
171	14	3	671	12	5	2	312	26	0	1224	22	7	29
174	14	6	682	12	7	20	318	26	6	1247	23	1	6
177	14	9	694	12	10	9	324	27	0	1271	23	6	13
180	15	0	706	13	0	27	336	28	0	1318	24	4	27
183	15	3	718	13	3	16	348	29	0	1365	25	3	10
186	15	6	730	13	6	4	360	30	0	1412	26	1	24