

---

**UNITED  
STATES  
SENTENCING  
COMMISSION  
GUIDELINES MANUAL**

---

---

**PATTI B. SARIS**  
Chair

**WILLIAM B. CARR, JR.**  
Vice Chair

**KETANJI B. JACKSON**  
Vice Chair

**RICARDO H. HINOJOSA**  
Commissioner

**BERYL A. HOWELL**  
Commissioner

**DABNEY L. FRIEDRICH**  
Commissioner

**JONATHAN J. WROBLEWSKI**  
Commissioner, Ex-officio

**ISAAC FULWOOD, JR.**  
Commissioner, Ex-officio

This document contains the text of the *Guidelines Manual* incorporating amendments effective January 15, 1988; June 15, 1988; October 15, 1988; November 1, 1989; November 1, 1990; November 1, 1991; November 27, 1991; November 1, 1992; November 1, 1993; September 23, 1994; November 1, 1994; November 1, 1995; November 1, 1996; May 1, 1997; November 1, 1997; November 1, 1998; May 1, 2000; November 1, 2000; December 16, 2000; May 1, 2001; November 1, 2001; November 1, 2002; January 25, 2003; April 30, 2003; October 27, 2003; November 1, 2003; November 5, 2003; November 1, 2004; October 24, 2005; November 1, 2005; March 27, 2006; September 12, 2006; November 1, 2006; May 1, 2007; November 1, 2007; February 6, 2008; March 3, 2008; May 1, 2008; November 1, 2008; November 1, 2009; November 1, 2010; and November 1, 2011.

## RECOMMENDED CITATION FORM

United States Sentencing Commission Guidelines, Policy Statements, and Commentary may be cited as follows:

### **I. Full citation form**

United States Sentencing Commission, Guidelines Manual, §3E1.1 (Nov. 2011)

### **II. Abbreviated citation form**

[using USSG as the designated short form for United States Sentencing Guidelines]

- a guideline —  
USSG §2D1.1
- a policy statement —  
USSG §6A1.1, p.s.
- commentary designated as an application note —  
USSG §2B1.1, comment. (n.1)
- commentary designated as background —  
USSG §2B1.1, comment. (backg'd.)
- commentary designated as an introduction —  
USSG Ch.3, Pt.D, intro. comment.
- an appendix to the Guidelines Manual —  
USSG App. C

# TABLE OF CONTENTS

	Page
<b>CHAPTER ONE -Introduction, Authority, and General Application Principles . . . . .</b>	<b>1</b>
Part A-Introduction and Authority . . . . .	1
Part B-General Application Principles . . . . .	16
 <b>CHAPTER TWO - Offense Conduct . . . . .</b>	 <b>48</b>
Part A-Offenses Against the Person . . . . .	49
1. Homicide . . . . .	49
2. Assault . . . . .	52
3. Criminal Sexual Abuse and Offenses Related to Registration as a Sex Offender . . . . .	58
4. Kidnapping, Abduction, or Unlawful Restraint . . . . .	71
5. Air Piracy and Offenses Against Mass Transportation Systems . . . . .	74
6. Threatening or Harassing Communications, Hoaxes, Stalking, and Domestic Violence . . . . .	76
Part B-Basic Economic Offenses . . . . .	81
1. Theft, Embezzlement, Receipt of Stolen Property, Property Destruction, and Offenses Involving Fraud or Deceit . . . . .	81
2. Burglary and Trespass . . . . .	110
3. Robbery, Extortion, and Blackmail . . . . .	113
4. Commercial Bribery and Kickbacks . . . . .	119
5. Counterfeiting and Infringement of Copyright or Trademark . . . . .	122
6. Motor Vehicle Identification Numbers . . . . .	128
Part C-Offenses Involving Public Officials and Violations of Federal Election Campaign Laws . . . . .	130
Part D-Offenses Involving Drugs And Narco-Terrorism . . . . .	141
1. Unlawful Manufacturing, Importing, Exporting, Trafficking, or Possession; Continuing Criminal Enterprise . . . . .	141
2. Unlawful Possession . . . . .	190
3. Regulatory Violations . . . . .	192
Part E-Offenses Involving Criminal Enterprises and Racketeering . . . . .	194
1. Racketeering . . . . .	194
2. Extortionate Extension of Credit . . . . .	197
3. Gambling . . . . .	198
4. Trafficking in Contraband Cigarettes and Smokeless Tobacco . . . . .	200
5. Labor Racketeering . . . . .	200
Part F-[Deleted] . . . . .	204
Part G-Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors, and Obscenity . . . . .	205
1. Promoting A Commercial Sex Act or Prohibited Sexual Conduct . . . . .	205
2. Sexual Exploitation of a Minor . . . . .	212
3. Obscenity . . . . .	222
Part H-Offenses Involving Individual Rights . . . . .	226
1. Civil Rights . . . . .	226
2. Political Rights . . . . .	228
3. Privacy and Eavesdropping . . . . .	229
4. Peonage, Involuntary Servitude, Slave Trade, and Child Soldiers . . . . .	232

Part I-[Not Used]	
Part J-Offenses Involving the Administration of Justice	235
Part K-Offenses Involving Public Safety	244
1. Explosives and Arson	244
2. Firearms	251
3. Mailing Injurious Articles	264
Part L-Offenses Involving Immigration, Naturalization, and Passports	266
1. Immigration	266
2. Naturalization and Passports	274
Part M-Offenses Involving National Defense and Weapons of Mass Destruction	278
1. Treason	278
2. Sabotage	278
3. Espionage and Related Offenses	279
4. Evasion of Military Service	284
5. Prohibited Financial Transactions and Exports, and Providing Material Support to Designated Foreign Terrorist Organizations	284
6. Nuclear, Biological, and Chemical Weapons and Materials, and Other Weapons of Mass Destruction	288
Part N-Offenses Involving Food, Drugs, Agricultural Products, Consumer Products, and Odometer Laws	292
1. Tampering with Consumer Products	292
2. Food, Drugs, Agricultural Products, and Consumer Products	294
3. Odometer Laws and Regulations	295
Part O-[Not Used]	
Part P-Offenses Involving Prisons and Correctional Facilities	297
Part Q-Offenses Involving the Environment	301
1. Environment	301
2. Conservation and Wildlife	308
Part R-Antitrust Offenses	311
Part S-Money Laundering and Monetary Transaction Reporting	315
Part T-Offenses Involving Taxation	321
1. Income Taxes, Employment Taxes, Estate Taxes, Gift Taxes, and Excise Taxes (Other Than Alcohol, Tobacco, and Customs Taxes)	321
2. Alcohol and Tobacco Taxes	330
3. Customs Taxes	331
4. Tax Table	333
Part U-[Not Used]	
Part V-[Not Used]	
Part W-[Not Used]	
Part X-Other Offenses	334
1. Conspiracies, Attempts, Solicitations	334
2. Aiding and Abetting	337
3. Accessory After the Fact	337
4. Misprision of Felony	339

5. All Other Felony Offenses and Class A Misdemeanors .....	339
6. Offenses Involving Use of a Minor in a Crime of Violence .....	341
7. Offenses Involving Border Tunnels And Submersible and Semi-Submersible Vessels ....	342
Part Y-[Not Used]	
Part Z-[Not Used]	
<b>CHAPTER THREE - Adjustments</b> .....	344
Part A-Victim-Related Adjustments .....	344
Part B-Role in the Offense .....	350
Part C-Obstruction and Related Adjustments .....	358
Part D-Multiple Counts .....	364
Part E-Acceptance of Responsibility .....	377
<b>CHAPTER FOUR - Criminal History and Criminal Livelihood</b> .....	380
Part A-Criminal History .....	380
Part B-Career Offenders and Criminal Livelihood .....	395
<b>CHAPTER FIVE - Determining the Sentence</b> .....	406
Part A-Sentencing Table .....	407
Part B-Probation .....	409
Part C-Imprisonment .....	418
Part D-Supervised Release .....	424
Part E-Restitution, Fines, Assessments, Forfeitures .....	434
Part F-Sentencing Options .....	442
Part G-Implementing the Total Sentence of Imprisonment .....	448
Part H-Specific Offender Characteristics .....	456
Part I-[Not Used]	
Part J-Relief From Disability .....	463
Part K-Departures .....	464
1. Substantial Assistance to Authorities .....	464
2. Other Grounds for Departure .....	465
3. Early Disposition Programs .....	482
<b>CHAPTER SIX - Sentencing Procedures, Plea Agreements, and Crime Victims' Rights</b> ....	483
Part A-Sentencing Procedures .....	483
Part B-Plea Agreements .....	487

<b>CHAPTER SEVEN - Violations of Probation and Supervised Release</b> .....	492
Part A-Introduction to Chapter Seven .....	492
1. Authority .....	492
2. Background .....	492
3. Resolution of Major Issues .....	493
4. The Basic Approach .....	495
5. A Concluding Note .....	495
Part B-Probation and Supervised Release Violations .....	496
 <b>CHAPTER EIGHT - Sentencing of Organizations</b> .....	 504
Part A-General Application Principles .....	505
Part B-Remedying Harm from Criminal Conduct, and Effective Compliance and Ethics Program .....	509
1. Remedying Harm from Criminal Conduct .....	509
2. Effective Compliance and Ethics Program .....	512
Part C-Fines .....	518
1. Determining the Fine - Criminal Purpose Organizations .....	518
2. Determining the Fine - Other Organizations .....	518
3. Implementing the Sentence of a Fine .....	535
4. Departures from the Guideline Fine Range .....	538
Part D-Organizational Probation .....	542
Part E-Special Assessments, Forfeitures, and Costs .....	546
Part F-Violations of Probation - Organizations .....	548
 <b>APPENDIX A - Statutory Index</b> .....	 549
 <b>INDEX TO GUIDELINES MANUAL</b> .....	 573
 <b>LIST OF DEPARTURE PROVISIONS</b> .....	 584
 <b>SUPPLEMENTARY VOLUMES</b>	
<b>APPENDIX B - Selected Sentencing Statutes</b> .....	1
<b>APPENDIX C (Volume I) - Amendments to the Guidelines Manual</b> .....	1
(effective November 1, 1997, and earlier)	
<b>APPENDIX C (Volume II) - Amendments to the Guidelines Manual</b> .....	1
(effective November 1, 1998, through November 5, 2003)	
<b>APPENDIX C (Volume III) - Amendments to the Guidelines Manual</b> .....	1
(effective November 1, 2004, through November 1, 2011)	