

# **Use of Guidelines and Specific Offense Characteristics Guideline Calculation Based**

**Fiscal Year 2020**



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Guideline Calculation Based**  
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| <b>Guideline and SOC</b>                                                                                                                                                                                                                                                                                   | <b>Applied</b> | <b>Percent</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| §2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition                                                                                                                                                                                                                                | 7,219          | 11.3           |
| (a)(1)(A)(i) Two prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 26)                                                                                                                                                                      | 132            | 1.8            |
| (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)                                                                                                                                                                                                                                 | 699            | 9.7            |
| (a)(3)(A)(i) One prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 22)                                                                                                                                                                      | 405            | 5.6            |
| (a)(3)(A)(ii) One prior convictions and firearm described in 26 U.S.C. §5845(a) (BOL 22)                                                                                                                                                                                                                   | 63             | 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)                                                                                                                                                                    | 1,913          | 26.5           |
| (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)                                                                                                                                                | 520            | 7.2            |
| (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)                                                                                                                                                                                                                                     | 189            | 2.6            |
| (a)(6)(A) Defendant prohibited person (Base offense level 14)                                                                                                                                                                                                                                              | 2,565          | 35.5           |
| (a)(6)(B) Defendant convicted under 18 U.S.C. § 922(d) (Base offense level 14)                                                                                                                                                                                                                             | 10             | 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)                                                                                  | 138            | 1.9            |
| (a)(7) Except as provided in (a)(8) (Base offense level 12)                                                                                                                                                                                                                                                | 404            | 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            |

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| <b>Guideline and SOC</b>                                                                                                   | <b>Applied</b> | <b>Percent</b> |
|----------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| §2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition (cont.)                                        | 7,219          | 11.3           |
| Chapter 2 Specific Offense Characteristic Adjustments                                                                      | 4,234          | 58.7           |
| (b)(1)(A) 3-7 firearms (two levels)                                                                                        | 966            | 13.4           |
| (b)(1)(B) 8-24 firearms (four levels)                                                                                      | 413            | 5.7            |
| (b)(1)(C) 25-99 firearms (six levels)                                                                                      | 131            | 1.8            |
| (b)(1)(C) 25-99 firearms (three levels) <sup>71</sup>                                                                      | 1              | 0.0            |
| (b)(1)(D) 100-199 firearms (eight levels)                                                                                  | 21             | 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)                          | 24             | 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)                                                                                    | 88             | 1.2            |
| (b)(4)(A) Firearm stolen (2 levels)                                                                                        | 1,784          | 24.7           |
| (b)(4)(B) Firearm had altered/obliterated serial number (4 levels)                                                         | 391            | 5.4            |
| (b)(4)(B) Firearm had altered/obliterated serial number (6 levels) <sup>71</sup>                                           | 2              | 0.0            |
| (b)(5) Defendant engaged in trafficking of firearms (4 levels)                                                             | 254            | 3.5            |
| (b)(6)(A) Firearms possessed while leaving or attempting to leave the United States (4 levels, increase to level 18)       | 111            | 1.5            |
| (b)(6)(B) Firearms used in connection with another offense (4 lvls, increase to lvl 18) <sup>72</sup>                      | 1,979          | 27.4           |
| (b)(6)(B) Firearms used in connection with another offense (2 levels) <sup>71</sup>                                        | 1              | 0.0            |
| (b)(7) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense) <sup>73</sup> | 2              | 0.0            |

<sup>71</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>72</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>73</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.