

Use of Guidelines and Specific Offense Characteristics Guideline Calculation Based

Fiscal Year 2020



USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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Guideline and SOC	Applied	Percent
§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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Guideline and SOC	Applied	Percent
§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) ⁷¹	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) ⁷¹	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) ⁷²	1,979	27.4
(b)(6)(B) Firearms used in connection with another offense (2 levels) ⁷¹	1	0.0
(b)(7) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense) ⁷³	2	0.0

⁷¹ 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.

⁷² 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.

⁷³ 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.