

§6A1.2

the record to enable it to exercise its statutory sentencing authority meaningfully and explains its finding on the record.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective June 15, 1988 (amendment 58); November 1, 1989 (amendment 293); November 1, 1997 (amendment 574); November 1, 2004 (amendment 674).
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§6A1.2. Disclosure of Presentence Report; Issues in Dispute (Policy Statement)

- (a) The probation officer must give the presentence report to the defendant, the defendant's attorney, and an attorney for the government at least 35 days before sentencing unless the defendant waives this minimum period. Rule 32(e)(2), Fed. R. Crim. P.
- (b) Within 14 days after receiving the presentence report, the parties must state in writing any objections, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report. An objecting party must provide a copy of its objections to the opposing party and to the probation officer. After receiving objections, the probation officer may meet with the parties to discuss the objections. The probation officer may then investigate further and revise the presentence report accordingly. Rule 32(f), Fed. R. Crim. P.
- (c) At least 7 days before sentencing, the probation officer must submit to the court and to the parties the presentence report and an addendum containing any unresolved objections, the grounds for those objections, and the probation officer's comments on them. Rule 32(g), Fed. R. Crim. P.

Commentary

Background: In order to focus the issues prior to sentencing, the parties are required to respond in writing to the presentence report and to identify any issues in dispute. *See Rule 32(f), Fed. R. Crim. P.*

<i>Historical Note</i>	Effective November 1, 1987. Amended effective June 15, 1988 (amendment 59); November 1, 1991 (amendment 425); November 1, 1997 (amendment 574); November 1, 2004 (amendment 674).
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§6A1.3. Resolution of Disputed Factors (Policy Statement)

- (a) When any factor important to the sentencing determination is reasonably in dispute, the parties shall be given an adequate opportunity to present information to the court regarding that factor. In resolving any dispute concerning a factor important to the sentencing determination, the court may consider relevant information without regard to its admissibility under the rules of evidence applicable at trial, provided that the information has sufficient indicia of reliability to support its probable accuracy.