

§5E1.4

FOR OFFENSES COMMITTED BY INDIVIDUALS ON OR AFTER NOVEMBER 18, 1988 BUT PRIOR TO APRIL 24, 1996:

- (E) \$50, if convicted of a felony;
- (F) \$25, if convicted of a Class A misdemeanor;
- (G) \$10, if convicted of a Class B misdemeanor;
- (H) \$5, if convicted of a Class C misdemeanor or an infraction.

FOR OFFENSES COMMITTED BY INDIVIDUALS PRIOR TO NOVEMBER 18, 1988:

- (I) \$50, if convicted of a felony;
- (J) \$25, if convicted of a misdemeanor.

3. A special assessment is required by statute for each count of conviction.

Background: Section 3013 of title 18, United States Code, added by the Victims of Crimes Act of 1984, Pub. L. No. 98–473, Title II, Chap. XIV, requires courts to impose special assessments on convicted defendants for the purpose of funding the Crime Victims Fund established by the same legislation.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendments 282 and 302); November 1, 1997 (amendment 573); November 1, 2023 (amendment 824).
------------------------	--

§5E1.4. Forfeiture

Forfeiture is to be imposed upon a convicted defendant as provided by statute.

Commentary

Background: Forfeiture provisions exist in various statutes. For example, 18 U.S.C. § 3554 requires the court imposing a sentence under 18 U.S.C. § 1962 (proscribing the use of the proceeds of racketeering activities in the operation of an enterprise engaged in interstate commerce) or titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (proscribing the manufacture and distribution of controlled substances) to order the forfeiture of property in accordance with 18 U.S.C. § 1963 and 21 U.S.C. § 853, respectively. Those provisions require the automatic forfeiture of certain property upon conviction of their respective underlying offenses.

In addition, the provisions of 18 U.S.C. §§ 3681–3682 authorizes the court, in certain circumstances, to order the forfeiture of a violent criminal’s proceeds from the depiction of his crime in a book, movie, or other medium. Those sections authorize the deposit of proceeds in an escrow account in the Crime Victims Fund of the United States Treasury. The money is to remain available in the account for five years to satisfy claims brought against the defendant by the victim(s) of his offenses. At the end of the five-year period, the court may require that any proceeds remaining in the account be released from escrow and paid into the Fund. 18 U.S.C. § 3681(c)(2).

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendment 302); November 1, 2023 (amendment 824).
------------------------	---