

## PART C — FINES

### 1. DETERMINING THE FINE — CRIMINAL PURPOSE ORGANIZATIONS

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#### §8C1.1. Determining the Fine — Criminal Purpose Organizations

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If, upon consideration of the nature and circumstances of the offense and the history and characteristics of the organization, the court determines that the organization operated primarily for a criminal purpose or primarily by criminal means, the fine shall be set at an amount (subject to the statutory maximum) sufficient to divest the organization of all its net assets. When this section applies, Subpart 2 (Determining the Fine — Other Organizations) and §8C3.4 (Fines Paid by Owners of Closely Held Organizations) do not apply.

#### Commentary

##### Application Note:

1. “*Net assets*,” as used in this section, means the assets remaining after payment of all legitimate claims against assets by known innocent bona fide creditors.

**Background:** This guideline addresses the case in which the court, based upon an examination of the nature and circumstances of the offense and the history and characteristics of the organization, determines that the organization was operated primarily for a criminal purpose (*e.g.*, a front for a scheme that was designed to commit fraud; an organization established to participate in the illegal manufacture, importation, or distribution of a controlled substance) or operated primarily by criminal means (*e.g.*, a hazardous waste disposal business that had no legitimate means of disposing of hazardous waste). In such a case, the fine shall be set at an amount sufficient to remove all of the organization’s net assets. If the extent of the assets of the organization is unknown, the maximum fine authorized by statute should be imposed, absent innocent bona fide creditors.

<i>Historical Note</i>	Effective November 1, 1991 (amendment 422).
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### 2. DETERMINING THE FINE — OTHER ORGANIZATIONS

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#### §8C2.1. Applicability of Fine Guidelines

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The provisions of §§8C2.2 through 8C2.9 apply to each count for which the applicable guideline offense level is determined under:

- (a) §§2B1.1, 2B1.4, 2B2.3, 2B4.1, 2B5.3, 2B6.1;  
§§2C1.1, 2C1.2;  
§§2D1.7, 2D3.1, 2D3.2;