

§2H4.2

(b) Specific Offense Characteristics

- (1) If the offense involved (A) serious bodily injury, increase by 4 levels; or (B) bodily injury, increase by **2** levels.
- (2) If the defendant committed any part of the instant offense subsequent to sustaining a civil or administrative adjudication for similar misconduct, increase by **2** levels.

Commentary

Statutory Provision: 29 U.S.C. § 1851.

Application Notes:

1. **Definitions.**—For purposes of subsection (b)(1), “**bodily injury**” and “**serious bodily injury**” have the meaning given those terms in Application Note 1 of the Commentary to §1B1.1 (Application Instructions).
2. **Application of Subsection (b)(2).**—Section 1851 of title 29, United States Code, covers a wide range of conduct. Accordingly, the enhancement in subsection (b)(2) applies only if the instant offense is similar to previous misconduct that resulted in a civil or administrative adjudication under the provisions of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. § 1801 *et seq.*).

<i>Historical Note</i>	Effective May 1, 2001 (amendment 612). Amended effective November 1, 2001 (amendment 627); November 1, 2010 (amendment 746); November 1, 2015 (amendment 796).
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PART I — [NOT USED]