

§2P1.2

Application Notes:

1. “**Non-secure custody**” means custody with no significant physical restraint (*e.g.*, where a defendant walked away from a work detail outside the security perimeter of an institution; where a defendant failed to return to any institution from a pass or unescorted furlough; or where a defendant escaped from an institution with no physical perimeter barrier).
2. “**Returned voluntarily**” includes voluntarily returning to the institution or turning one’s self in to a law enforcement authority as an escapee (not in connection with an arrest or other charges).
3. If the adjustment in subsection (b)(4) applies, no adjustment is to be made under §3B1.3 (Abuse of Position of Trust or Use of Special Skill).
4. Criminal history points under Chapter Four, Part A (Criminal History) are to be determined independently of the application of this guideline. For example, in the case of a defendant serving a one-year sentence of imprisonment at the time of the escape, criminal history points from §4A1.1(b) (for the sentence being served at the time of the escape) and §4A1.1(e) (custody status) would be applicable.
5. If the adjustment in subsection (b)(1) applies as a result of conduct that involves an official victim, do not apply §3A1.2 (Official Victim).

*Historical
Note*

Effective November 1, 1987. Amended effective November 1, 1989 (amendments 200 and 201); November 1, 1990 (amendment 341); November 1, 1991 (amendment 406); November 1, 2010 (amendment 747); November 1, 2023 (amendment 821); November 1, 2025 (amendment 836).

§2P1.2. Providing or Possessing Contraband in Prison

(a) Base Offense Level:

- (1) **23**, if the object was a firearm or destructive device.
- (2) **13**, if the object was a weapon (other than a firearm or a destructive device), any object that might be used as a weapon or as a means of facilitating escape, ammunition, LSD, PCP, methamphetamine, or a narcotic drug.
- (3) **6**, if the object was an alcoholic beverage, United States or foreign currency, a mobile phone or similar device, or a controlled substance (other than LSD, PCP, methamphetamine, or a narcotic drug).
- (4) **4**, if the object was any other object that threatened the order, discipline, or security of the institution or the life, health, or safety of an individual.