

180 days and one year, increase by **2** levels; or (C) more than 30 days but less than 180 days, increase by **1** level.

- (4) If any other felony offense was committed during the commission of, or in connection with, the peonage or involuntary servitude offense, increase to the greater of:
  - (A) **2** plus the offense level as determined above, or
  - (B) **2** plus the offense level from the offense guideline applicable to that other offense, but in no event greater than level **43**.

#### **Commentary**

**Statutory Provisions:** 18 U.S.C. §§ 241, 1581–1590, 1592, 1593A, 2442.

**Application Notes:**

1. For purposes of this guideline—

***A dangerous weapon was used*** means that a firearm was discharged, or that a firearm or other dangerous weapon was otherwise used. ***The use of a dangerous weapon was threatened*** means that the use of a dangerous weapon was threatened regardless of whether a dangerous weapon was present.

Definitions of “**firearm**,” “**dangerous weapon**,” “**otherwise used**,” “**serious bodily injury**,” and “**permanent or life-threatening bodily injury**” are found in the Commentary to §1B1.1 (Application Instructions).

***Peonage or involuntary servitude*** includes forced labor, slavery, and recruitment or use of a child soldier.

2. Under subsection (b)(4), ***any other felony offense*** means any conduct that constitutes a felony offense under federal, state, or local law (other than an offense that is itself covered by this subpart). When there is more than one such other offense, the most serious such offense (or group of closely related offenses in the case of offenses that would be grouped together under §3D1.2(d)) is to be used. See Application Note 3 of §1B1.5 (Interpretation of References to other Offense Guidelines).

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1995 (amendment 521); May 1, 1997 (amendment 542); November 1, 1997 (amendment 559); May 1, 2001 (amendment 612); November 1, 2001 (amendment 627); November 1, 2009 (amendments 730 and 733); November 1, 2025 (amendment 836).
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#### **§2H4.2. Willful Violations of the Migrant and Seasonal Agricultural Worker Protection Act**

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- (a) Base Offense Level: **6**