

## (b) Specific Offense Characteristic

- (1) If the payment was made or offered for refusing to testify or for the witness absenting himself to avoid testifying, increase by 4 levels.

**Commentary**

**Statutory Provisions:** 18 U.S.C. § 201(c)(2), (3).

**Application Notes:**

1. For offenses covered under this section, §3C1.1 (Obstructing or Impeding the Administration of Justice) does not apply unless the defendant obstructed the investigation or trial of the payment to witness count.
2. In the event that the defendant is convicted under this section as well as for the underlying offense (*i.e.*, the offense with respect to which the payment was made), *see* the Commentary to §3C1.1, and to §3D1.2(c) (Groups of Closely Related Counts).

**Background:** This section applies to witness gratuities in federal proceedings.

<i>Historical Note</i>	Effective November 1, 1987. Amended effective November 1, 1989 (amendments 180 and 181); November 1, 2011 (amendment 758); November 1, 2013 (amendment 777).
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