

## CHAPTER SIX

# SENTENCING PROCEDURES, PLEA AGREEMENTS, AND CRIME VICTIMS' RIGHTS

*Historical Note*

Effective November 1, 1987. Amended effective November 1, 2006 (amendment 694).

## PART A – SENTENCING PROCEDURES

### Introductory Commentary

This part addresses sentencing procedures that are applicable in all cases, including those in which guilty or *nolo contendere* pleas are entered with or without a plea agreement between the parties, and convictions based upon judicial findings or verdicts. It sets forth the procedures for establishing the facts upon which the sentence will be based. Reliable fact-finding is essential to procedural due process and to the accuracy and uniformity of sentencing.

*Historical Note*

Effective November 1, 1987. Amended effective November 1, 2023 (amendment 824).

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### **§6A1.1. Presentence Report (Policy Statement)**

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- (a) The probation officer must conduct a presentence investigation and submit a report to the court before it imposes sentence unless—
  - (1) 18 U.S.C. § 3593(c) or another statute requires otherwise; or
  - (2) the court finds that the information in the record enables it to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553, and the court explains its finding on the record.

Rule 32(c)(1)(A), Fed. R. Crim. P.

- (b) The defendant may not waive preparation of the presentence report.

### Commentary

A thorough presentence investigation ordinarily is essential in determining the facts relevant to sentencing. Rule 32(c)(1)(A) permits the judge to dispense with a presentence report in certain limited circumstances, as when a specific statute requires or when the court finds sufficient information in