



Interactive *Guidelines Manual* on the Web

July 26, 2017

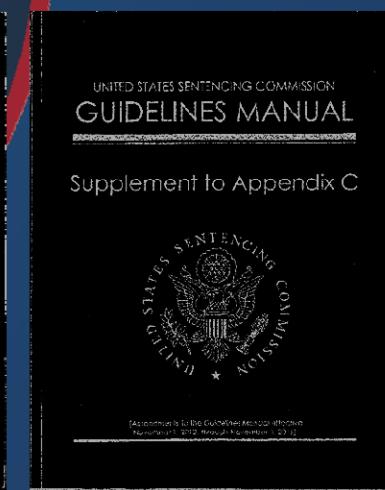
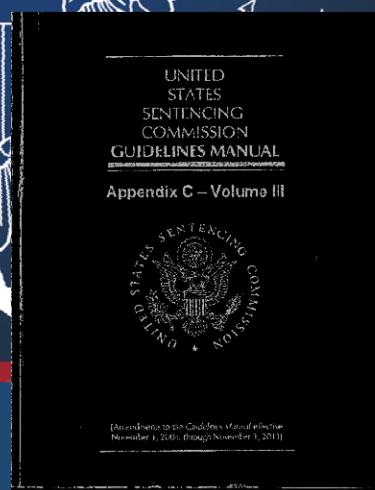
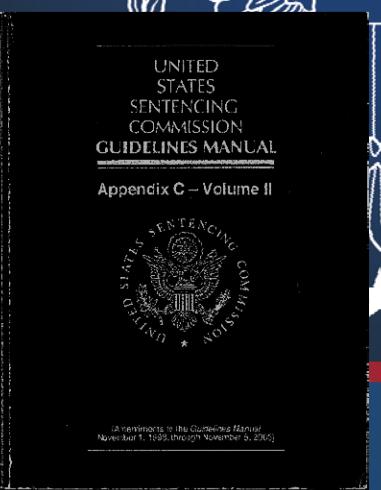
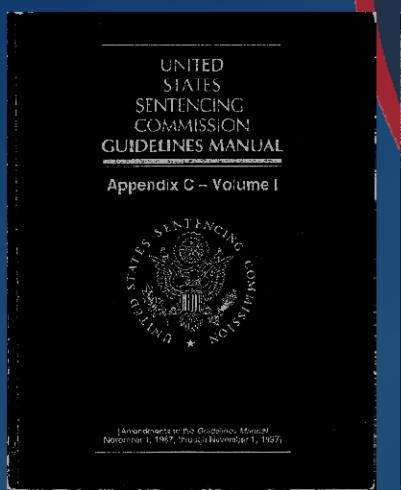
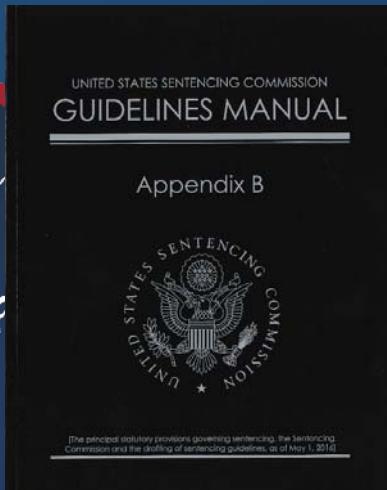
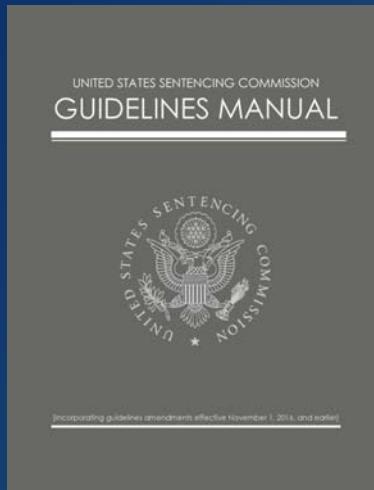
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Main Goals

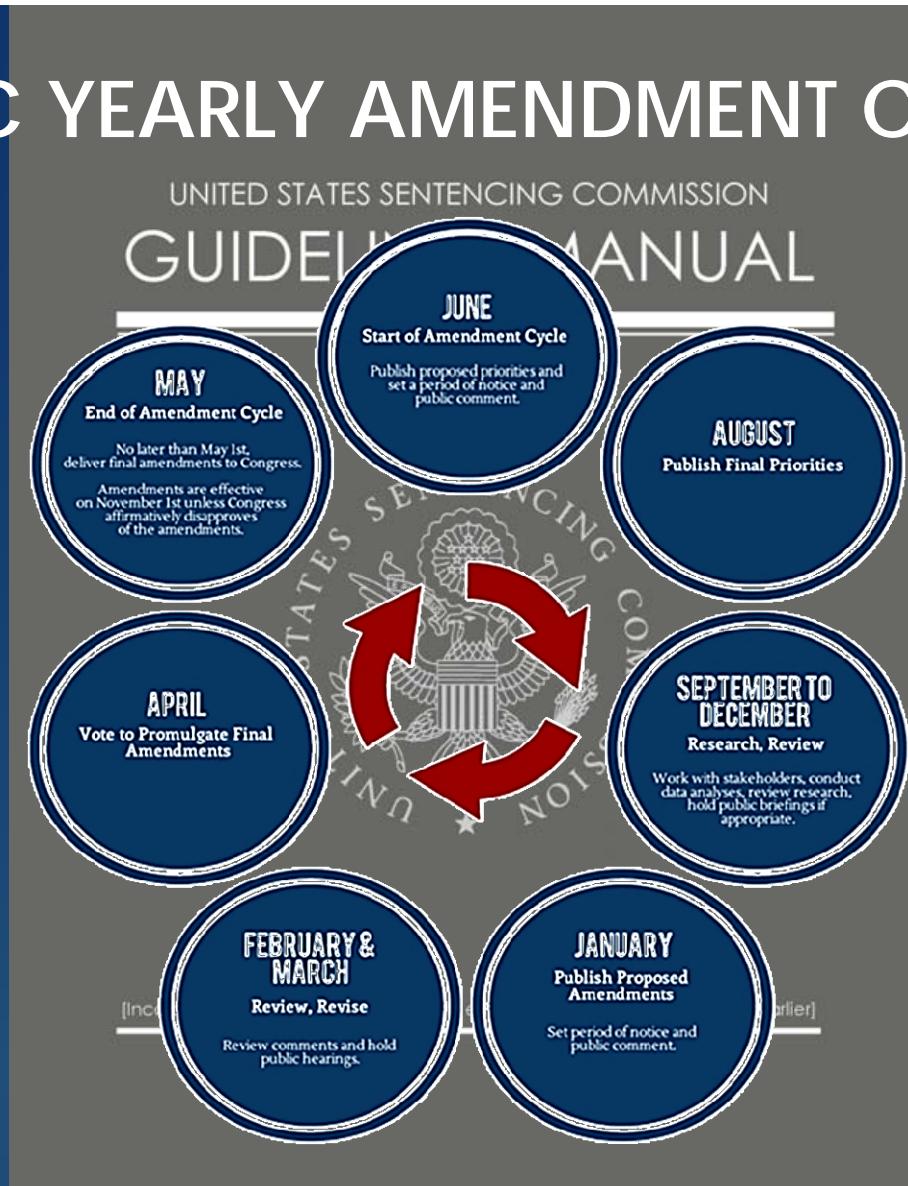
- Increase functionality of the online *Guidelines Manual* related to historical research of the guideline provisions
- Increase usability and maneuverability of the online *Guidelines Manual* through use of hyperlinks to guidelines legislative history
 - Legislative History is located in an Appendix to the *Manual*



Guidelines Manual and Supplements



USSC YEARLY AMENDMENT CYCLE



Interactive *Guidelines Manual* on the Web

Technical Objectives:

- Upgrade functionality of the online Guidelines Manual related to historical legislative research by providing a method to display a list of amendments to each subsection of all guidelines

- Enhance functionality of the online Guidelines Manual through use of hyperlinks to Appendix C



Navigating the Online Guidelines Manual





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2016 GUIDELINES MANUAL

The 2016 *Guidelines Manual*, effective November 1, 2016, is available in HTML and PDF formats, which can be viewed, downloaded or printed via the website. Learn more about the amendments incorporated in this edition of the manual by visiting our e-Learning program.

e-Learning: 2016 Guideline Amendments

Download the complete 2016 *Guidelines Manual*

Hard copies of the manual are available for purchase through the Government Printing Office Bookstore online.



CHAPTER ONE - INTRODUCTION, AUTHORITY, AND GENERAL APPLICATION PRINCIPLES

PART A - INTRODUCTION AND AUTHORITY



PART B - GENERAL APPLICATION PRINCIPLES



[§1B1.1. Application Instructions](#)

[§1B1.2. Applicable Guidelines](#)

[§1B1.3. Relevant Conduct \(Factors that Determine the Guideline Range\)](#)

[§1B1.4. Information to be Used in Imposing Sentence \(Selecting a Point Within the Guideline Range or Departing from the Guidelines\)](#)

[§1B1.5. Interpretation of References to Other Offense Guidelines](#)

[§1B1.6. Structure of the Guidelines](#)





§1B1.1. Application Instructions

(a) The court shall determine the kinds of sentence and the guideline range as set forth in the guidelines (see 18 U.S.C. § 3553(a)(4)) by applying the provisions of this manual in the following order, except as specifically directed:

- (1) Determine, pursuant to §1B1.2 (Applicable Guidelines), the offense guideline section from Chapter Two (Offense Conduct) applicable to the offense of conviction. See §1B1.2.
- (2) Determine the base offense level and apply any appropriate specific offense characteristics, cross references, and special instructions contained in the particular guideline in Chapter Two in the order listed.
- (3) Apply the adjustments as appropriate related to victim, role, and obstruction of justice from Parts A, B, and C of Chapter Three.
- (4) If there are multiple counts of conviction, repeat steps (1) through (3) for each count. Apply Part D of Chapter Three to group the various counts and adjust the offense level accordingly.
- (5) Apply the adjustment as appropriate for the defendant's acceptance of responsibility from Part E of Chapter Three.
- (6) Determine the defendant's criminal history category as specified in Part A of Chapter Four. Determine from Part B of Chapter Four any other applicable adjustments.
- (7) Determine the guideline range in Part A of Chapter Five that corresponds to the offense level and criminal history category determined above.
- (8) For the particular guideline range, determine from Parts B through G of Chapter Five the sentencing requirements and options related to probation, imprisonment, supervision conditions, fines, and restitution.





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APPENDIX A

[APPENDIX A - Statutory Index](#) This index specifies the offense guideline section(s) in Chapter Two (Offense Conduct) applicable to the statute of conviction.

INDEX & COMPILATION OF DEPARTURE PROVISIONS

[Index](#) This index provides an alphabetical list of topics addressed in the *Guidelines Manual* and refers the reader to provisions that may be relevant to those topics.

[Compilation of Departure Provisions](#) This compilation identifies provisions in the *Guidelines Manual* that indicate when a departure based on a specific ground may be warranted. The compilation identifies the guideline provision and specifies the ground for departure contained in that provision.

[List of Departure Provisions](#) This list identifies provisions in the *Guidelines Manual* that indicate when a departure based on a specific ground may be warranted.

APPENDICES B & C

[APPENDIX B - Selected Sentencing Statutes](#) This appendix sets forth the principal statutory provisions governing sentencing, the Sentencing Commission, and the drafting of sentencing guidelines, as of May 1, 2016.

[APPENDIX C \(Volume I\) - Amendments to the Guidelines Manual effective November 1, 1987, through November 1, 1997](#) (Amendments 1 through 575)

[APPENDIX C \(Volume II\) - Amendments to the Guidelines Manual effective November 1, 1998, through November 5, 2003](#) (Amendments 576 through 662)

[APPENDIX C \(Volume III\) - Amendments to the Guidelines Manual effective November 1, 2004, through November 1, 2011](#) (Amendments 663 through 760)

[SUPPLEMENT to APPENDIX C - Amendments to the Guidelines Manual effective November 1, 2012, through November 1, 2014](#) (Amendments 761 through 804)





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Youthful Offenders

FILTERS

X

AMENDMENT CYCLE

- Final Priorities
- Proposed Amendments
- Proposed Priorities

TOPIC

- Advisory Groups
- Alternatives to Incarceration
- Amendments
- Bipartisan Budget Act
- Career Offender
- Crimes of Violence
- Criminal History
- Data Briefings
- Drug Trafficking
- Drugs
- Federal Register Notice

REPORT

Youthful Offenders in the Federal System

MAY 26, 2017

(May 2017) This publication presents information about youthful offenders (age 25 or younger for purposes of this report), including their demographic characteristics, what type of

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AMENDMENT

Proposed 2017 Amendments to the Federal Sentencing Guidelines

DECEMBER 19, 2016

Amendment Cycle:
Proposed Amendments

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EVENT

Public Meeting – December 9, 2016

DECEMBER 09, 2016

Amendment Cycle:
Proposed Amendments

Commissioners voted to publish proposed amendments to the federal sentencing guidelines.

Transcript

Chair's Remarks

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Research Example

Victims Table in the Fraud Guideline

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§2B1.1. Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States

(a) Base Offense Level:

- (1) 7, if (A) the defendant was convicted of an offense referenced to this guideline; and (B) that offense of conviction has a statutory maximum term of imprisonment of 20 years or more; or
- (2) 6, otherwise.

(b) Specific Offense Characteristics

- (1) If the loss exceeded \$6,500, increase the offense level as follows:

Loss (Apply the Greatest)	Increase in Level
(A) \$6,500 or less	no increase
(B) More than \$6,500	add 2
(C) More than \$15,000	add 4
(D) More than \$40,000	add 6
(E) More than \$95,000	add 8
(F) More than \$150,000	add 10
(G) More than \$250,000	add 12

(2) **(Apply the greatest) If the offense-**

- (A) (i) involved 10 or more victims; (ii) was committed through mass-marketing; or (iii) resulted in substantial financial hardship to one or more victims, increase by 2 levels;
- (B) resulted in substantial financial hardship to five or more victims, increase by 4 levels; or
- (C) resulted in substantial financial hardship to 25 or more victims, increase by 6 levels.

(C) resulted in substantial financial hardship to 25 or more victims, increase by 6 levels.

(3) If the offense involved a theft from the person of another, increase by 2 levels.



Research Example

Victims Table in the Fraud Guideline

Historical Note: Effective November 1, 1987. Amended effective June 15, 1988 (see Appendix C, amendment 7); November 1, 1989 (see Appendix C, amendments 99-101 and 303); November 1, 1990 (see Appendix C, amendments 312, 317, and 361); November 1, 1991 (see Appendix C, amendments 364 and 393); November 1, 1993 (see Appendix C, amendments 481 and 482); November 1, 1995 (see Appendix C, amendment 512); November 1, 1997 (see Appendix C, amendment 551); November 1, 1998 (see Appendix C, amendment 576); November 1, 2000 (see Appendix C, amendment 596); November 1, 2001 (see Appendix C, amendment 617); November 1, 2002 (see Appendix C, amendments 637, 638, and 646); January 25, 2003 (see Appendix C, amendment 647); November 1, 2003 (see Appendix C, amendments 653, 654, 655, and 661); November 1, 2004 (see Appendix C, amendments 665, 666, and 674); November 1, 2005 (see Appendix C, amendment 679); November 1, 2006 (see Appendix C, amendments 685 and 696); November 1, 2007 (see Appendix C, amendments 699, 700, and 702); February 6, 2008 (see Appendix C, amendment 714); November 1, 2008 (see Appendix C, amendments 719 and 725); November 1, 2009 (see Appendix C, amendments 726, 733, and 737); November 1, 2010 (see Appendix C, amendments 745 and 747); November 1, 2011 (see Appendix C, amendment 749); November 1, 2012 (see Appendix C, amendment 761); November 1, 2013 (see Appendix C, amendments 771, 772, and 777); November 1, 2015 (see Appendix C, amendments 791 and 792).



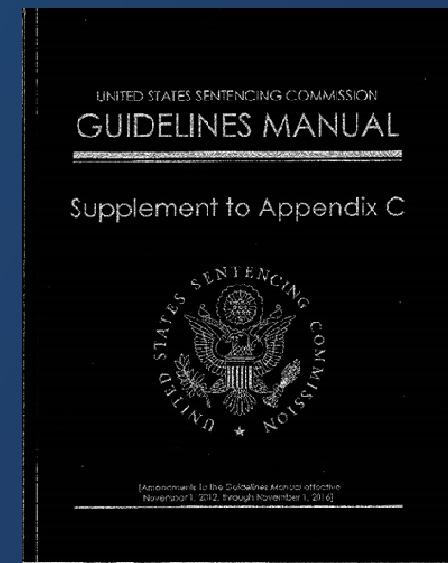
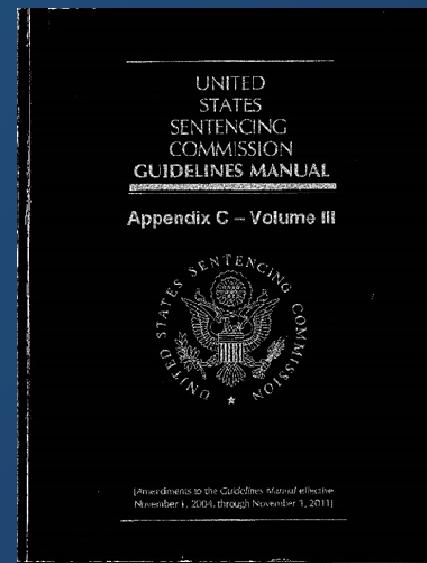
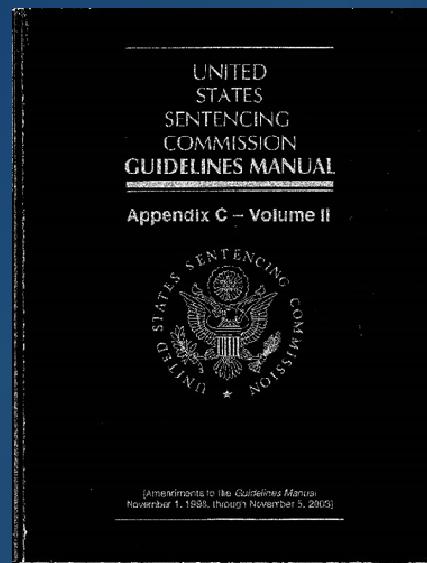
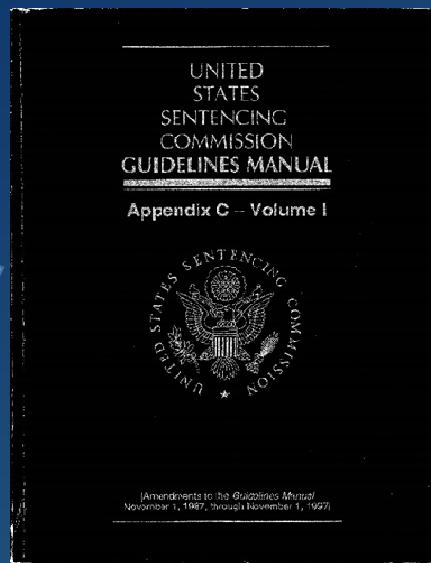
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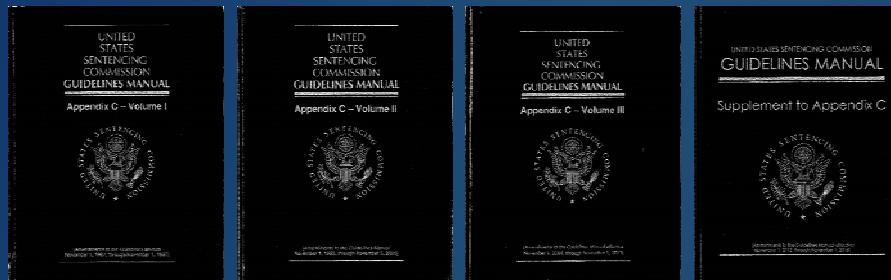


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Amendments
to Review



Research Example

Victims Table in the Fraud Guideline



APPENDICES B & C

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APPENDIX C (Volume III) - Amendments to the Guidelines Manual effective November 1, 2004, through November 1, 2011 (Amendments 663 through 760)

SUPPLEMENT to APPENDIX C - Amendments to the Guidelines Manual effective November 1, 2012, through November 1, 2016 (Amendments 761 through 804)



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Basic Requirements

- Create a method to display a list of amendments relating to each subsection of all guidelines
 - Method used to display this information should be clean and immediate, and should not take the user away from their current location on the site/page nor open any additional windows
- The list of amendments listed should be arranged in chronological order
- The amendment references listed should function as hyperlinks to the full text of the amendments in Appendix C



Example of Possible Solution

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§2B1.1. Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States

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(F) More than \$150,000	add 10
(G) More than \$250,000	add 12
(H) More than \$550,000	add 14
(I) More than \$1,500,000	add 16
(J) More than \$3,500,000	
(K) More than \$9,500,000	
(L) More than \$25,000,000	
(M) More than \$65,000,000	
(N) More than \$130,000,000	
(O) More than \$250,000,000	
(P) More than \$550,000,000	

**UNITED STATES SENTENCING COMMISSION
GUIDELINES MANUAL
HISTORICAL NOTE**

Effective November 1, 2001 ([Amendment 617](#)).

Amended effective January 25, 2003 ([Amendment 647](#)); November 1, 2003 ([Amendment 653](#)); November 1, 2015 ([Amendment 792](#)).

(2) (Apply the greatest) If the offense-

- (A) (i) involved 10 or more victims; (ii) was committed through mass-marketing; or (iii) resulted in substantial financial hardship to one or more victims, increase by **2** levels;
- (B) resulted in substantial financial hardship to five or more victims, increase by **4** levels; or
- (C) resulted in substantial financial hardship to 25 or more victims, increase by **6** levels.

(3) If the offense involved a theft from the person of another, increase by **2** levels.



Example of Possible Solution

AMENDMENT 792

AMENDMENT: Section 2B1.1 is amended in subsection (b)(2) by striking the following:

- “ (Apply the greatest) If the offense—
 - (A) involved 10 or more victims; or (ii) was committed through mass-marketing, increase by 2 levels;
 - (B) involved 50 or more victims, increase by 4 levels; or
 - (C) involved 250 or more victims, increase by 6 levels.”,

and inserting the following:

- “ (Apply the greatest) If the offense—
 - (A) involved 10 or more victims; (ii) was committed through mass-marketing; or (iii) resulted in substantial financial hardship to one or more victims, increase by 2 levels;
 - (B) resulted in substantial financial hardship to five or more victims, increase by 4 levels; or
 - (C) resulted in substantial financial hardship to 25 or more victims, increase by 6 levels.”,

in subsection (b)(10)(C) by inserting after “the offense otherwise involved sophisticated means” the following: “and the defendant intentionally engaged in or caused the conduct constituting sophisticated means”;

and in subsection (b)(16)(B) by inserting “or” at the end of subdivision (i), and by striking “, or (iii) substantially endangered the solvency or financial security of 100 or more victims”.

The Commentary to §2B1.1 captioned “Application Notes” is amended in Note 3(A)(ii) by striking “(I) means the pecuniary harm that was intended to result from the offense; and” and inserting “(I) means the pecuniary harm that the defendant purposely sought to inflict; and”;

in Note 3(F)(ix) by striking “there shall be a rebuttable presumption that the actual loss attributable to the change in value of the security or commodity is the amount determined by—” and inserting “the court in determining loss may use any method that is appropriate and practicable under the circumstances. One such method the court may consider is a method under which the actual loss attributable to the change in value of the security or commodity is the amount determined by—”;

in Note 4 by striking “50 victims” and inserting “10 victims” at subdivision (C)(ii); and by inserting at the end the following new subdivision (F):

- “(F) Substantial Financial Hardship.—In determining whether the offense resulted in substantial financial hardship to a victim, the court shall consider, among other factors, whether the offense resulted in the victim—
- (i) becoming insolvent;
 - (ii) filing for bankruptcy under the Bankruptcy Code (title 11, United States Code);
 - (iii) suffering substantial loss of a retirement, education, or other savings or investment fund;
 - (iv) making substantial changes to his or her employment, such as postponing his or her retirement plans;
 - (v) making substantial changes to his or her living arrangements, such as relocating to a less expensive home; and
 - (vi) suffering substantial harm to his or her ability to obtain credit.”,

in Note 9 by striking “Sophisticated Means Enhancement under” in the heading and inserting “Application of”; and by inserting at the end of the heading of subdivision (B) the following: “under Subsection (b)(10)(C)”;

and in Note 20(A)(vi) by striking both “or credit record” and “or a damaged credit record”.

REASON FOR AMENDMENT: This amendment makes several changes to the guideline applicable to economic crimes, §2B1.1 (Theft, Property Destruction, and Fraud), to better account for harm to victims, individual culpability, and the offender's intent. This amendment is a result of the Commission's multi-year study of §2B1.1 and related guidelines, and follows extensive data collection and analysis relating to economic offenses and offenders. Using this Commission data, combined with legal analysis and public comment, the Commission identified a number of specific areas where changes were appropriate.



Interactive *Guidelines Manual*

Additional Requirements

- Identify the most efficient method for displaying the information described above, for populating the list of amendments, and for creating hyperlinks
- Display of amendment information should be functional across multiple devices
- Backend interface should be user-friendly for content contributors with varying degrees of Drupal knowledge/skill, to allow Commission staff to--
 - Easily modify information display to add new amendment references as necessary
 - Easily create new displays of amendment information as new provisions are added to the Guidelines Manual



Interactive *Guidelines Manual*

Important Considerations

- Commission staff will work with vendor to identify the amendments that apply to each guideline provision
 - This would require coordination between the vendor and Commission staff to identify the most efficient process
- Vendor will deliver the necessary training that would allow Commission staff to maintain and update the new functionalities through internal Commission resources.
- Changes to the functionality of the online Guidelines Manual must apply responsive design principles
- Vendor will first establish their own development and testing environment before committing changes to the USSC development, testing, and production environment



Interactive *Guidelines Manual*

Important Considerations

- All changes to the functionality of the online Guidelines Manual must take into account the overall security posture of the Commission's website and function within the existing website structure and AO Hosting Branch constraints
- Before going live on the public facing Commission's website, the new functionalities will need to go through a security certification/remediation process requiring the following steps:
 - The new functionalities should be deployed onto a test copy of www.ussc.gov within the AO hosting environment for usability testing and acceptance
 - The new functionalities should be migrated onto a production copy of www.ussc.gov for security testing and remediation





Thank you