



District of Columbia Sentencing Commission

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Hon. Milton C. Lee
Chairman

Barbara Tombs-Souvey
Executive Director

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****SENTENCING GUIDELINES ALERT****

The Sentencing Commission has re-ranked the offense of **Unlawful Possession of a Firearm, Prior Felony** (D.C. Code § 22-4503(a)(1)). The offense, formerly ranked in Master Group 7, **is now ranked in Master Group 8**. The Commission approved the new ranking at its June 19, 2018, meeting. The new ranking will be reflected in the 2018 Guidelines Manual which will be published on July 16, 2018. Unless otherwise agreed to by the parties the Court shall apply the new ranking to pleas/verdicts entered on or after July 16, 2018.

This change affects not only the in-the-box sentencing range but also the scoring of prior convictions for this offense. When calculating a defendant's criminal history score, **a non-lapsed/revived Unlawful Possession of a Firearm, Prior Felony conviction will be worth 1 point (.5 if lapsed and revived)**. The updated Appendix C/C-I listing is attached to this alert.

As with any modification to the Guidelines, practitioner feedback is always welcome. Feel free to forward any questions or comments to the Commission at scdc@dc.gov or (202) 727-8822.

Sincerely,

Barbara Tombs-Souvey
Executive Director

Attachment I
Unlawful Possession of a Firearm, Prior Felony, Appendix C/C-I Listing

Offense	D.C. Official Code	Offense Severity Group	Maximum Statutory Penalty (Years)	Backup Time (Years)	Maximum prison term that can be imposed (years)	Supervised Release (years)	Minimum (Years)	Violent/Dangerous	Fine (Dollars)
Unlawful Possession of a Firearm: prior conviction > 1 yr	22-4503(a)(1)	M 8 ⁴⁴	10	2	8	3	M1		25,000

⁴⁴ Defendants convicted of Firearm, Unlawful Possession of by a person with a prior conviction > 1 year with a criminal history score of 2 to 3.75 fall into Master Grid box 8:C with a sentencing range of 14 to 32 months incarceration, prison or short split permissible. However, because of the mandatory minimum 12-month sentence, a short split sentence is not permissible under the Guidelines. The court must sentence the defendant to at least 14 months to impose a Guidelines compliant sentence. If the court determines that a split sentence of 12 months incarceration or more, but less than 14 months, is appropriate, it may sentence the defendant accordingly, but this would constitute a departure from the Guidelines. The court should note the reason for the departure on the docket.