



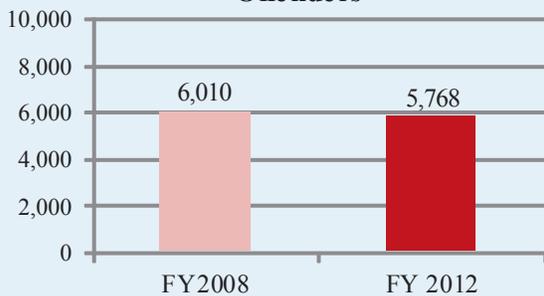
# Quick Facts

## Felon in Possession of a Firearm<sup>1</sup>

▶ THERE WERE 84,173 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2012.

▶ OF THESE CASES, 5,768 INVOLVED CONVICTIONS UNDER 18 U.S.C. § 922(g).<sup>1</sup>

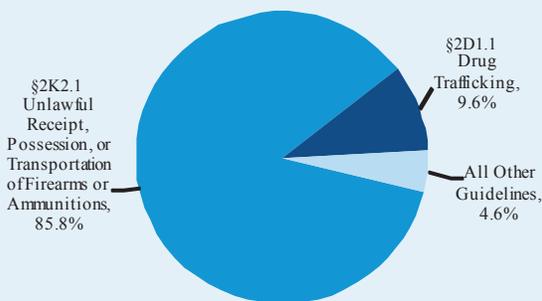
**Number of Felon in Possession of a Firearm Offenders**



**Top Five Districts Felon in Possession of a Firearm FY 2012**

Western District of Missouri (N=187)
Western District of Texas (N=186)
Middle District of Florida (N=174)
Northern District of Ohio (N=164)
Southern District of Texas (N=157)

**Primary Sentencing Guideline Felon in Possession of a Firearm<sup>3</sup> FY 2012**



### Offender and Offense Characteristics

- In fiscal year 2012, 5,768 offenders were convicted of violating 18 U.S.C. § 922(g).
- Nearly all of these offenders were male (98.2%).
- About half of these offenders were Black (51.2%), followed by White (27.0%), Hispanic (18.8%), and Other Races (2.9%).
- The average age of these offenders at sentencing was 33 years.
- The majority of these offenders were United States citizens (90.8%).
- One-quarter (25.2%) of offenders convicted under section 922(g) were assigned to the highest criminal history category (Category VI). The proportion of these offenders in other Criminal History Categories was as follows:
  - ◆ 11.7% of these offenders were in Category I;
  - ◆ 9.3% were in Category II;
  - ◆ 21.1% were in Category III;
  - ◆ 18.9% were in Category IV; and
  - ◆ 13.8% were in Category V.
- Districts with the highest proportion of their overall caseload comprising section 922(g) offenses were:
  - ◆ Middle District of North Carolina (27.4% of the overall caseload);
  - ◆ Northern District of Alabama (25.7%);
  - ◆ Western District of Tennessee (25.5%);
  - ◆ Western District of Missouri (24.8%); and
  - ◆ Southern District of Georgia (23.3%).

### Punishment

- Most offenders convicted under 18 U.S.C. § 922(g) were sentenced to imprisonment (95.6%).
- Less than one-quarter (20.8%) of these offenders were convicted of one or more statutes carrying a mandatory minimum penalty:
  - ◆ 10.3% were sentenced under the Armed Career Criminal Act (ACCA) (18 U.S.C. § 924(e));<sup>2</sup>
  - ◆ another 5.0% were convicted of violating 18 U.S.C. § 924(c); and
  - ◆ another 5.4% were convicted of another statute carrying a mandatory minimum penalty (almost all of which were drug offenses).
- The average sentence imposed on section 922(g) offenders varied widely by whether a mandatory minimum penalty applied in the case.

<sup>1</sup> 18 U.S.C. § 922(g) prohibits certain persons from shipping, transporting, possessing, or receiving a firearm or ammunition while subject to a prohibition from doing so, most commonly because of a prior conviction for a felony offense.

<sup>2</sup> 18 U.S.C. § 924(e) requires a 15-year mandatory minimum penalty be imposed on offenders convicted of violating section 922(g) and who have three previous convictions for a violent felony or serious drug crime.

<sup>3</sup> In 14.2% of all cases involving a conviction for section 922(g), the offender was also convicted of a non-firearms offense where the sentencing guideline applicable to the other offense was the primary guideline the court applied at sentencing.

# Quick Facts

## Felon in Possession of a Firearm<sup>1</sup>

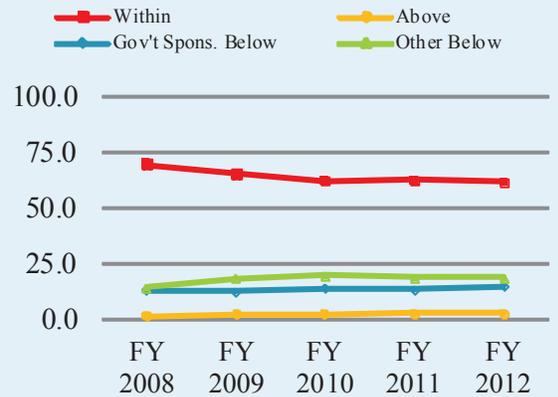
### Punishment (continued)

- ◆ The average sentence length for all section 922(g) offenders was 75 months; however, one-quarter of these offenders had an average sentence of 24 months or less while one-quarter had an average sentence of 96 months or more.
- ◆ The average sentence length for offenders convicted of violating only section 922(g) and who were sentenced under ACCA was 180 months.
- ◆ The average sentence length for offenders convicted of violating only section 922(g) but who were not sentenced under ACCA was 46 months.

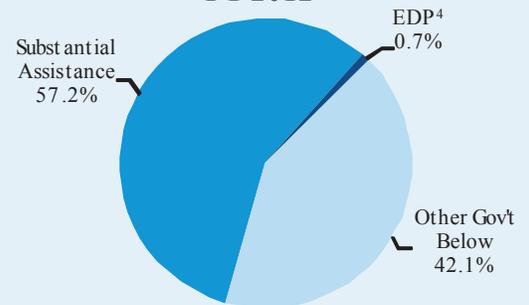
### Sentences Relative to the Guideline Range

- For each of the past five years, more than sixty percent of offenders convicted of violating 18 U.S.C. § 922(g) were sentenced within the range. However, the rate of within range sentences has decreased from 69.5% in fiscal year 2008 to 62.1% in fiscal year 2012.
- The rate of government sponsored below range sentences has increased for section 922(g) offenses from 13.6% in fiscal year 2008 to 15.5% in fiscal year 2012. In cases where the offender was not convicted of an additional offense and was not sentenced under ACCA, the rate of government sponsored sentences was higher, at 24.4% in fiscal year 2012.
  - ◆ Substantial assistance departures were granted in 8.9% of all section 922(g) cases in fiscal year 2012. This represents 57.2% of all government sponsored below range sentences for these offenses.
    - ◇ In fiscal year 2012, these offenders received an average reduction of 42.1% in their sentences.
  - ◆ In fiscal year 2012, a smaller proportion (6.5%) of offenders convicted of violating section 922(g) received a below range sentence sponsored by the government for reasons other than substantial assistance or participation in an Early Disposition Program.
    - ◇ In fiscal year 2012, these offenders received an average reduction of 34.2% in their sentences.
- Over the last five years, the rate of non-government sponsored below range sentences for section 922(g) offenses has increased (from 14.8% in fiscal year 2008 to 19.1% in fiscal year 2012).
  - ◆ In fiscal year 2012, these offenders received an average reduction of 33.2% in their sentences.
- The average guideline minimum for section 922(g) offenses has decreased for the past five years, and the average sentence imposed has similarly decreased.
  - ◆ The average guideline minimum decreased from 88 to 82 months during that period;
  - ◆ The average sentence imposed decreased from 82 to 75 months.

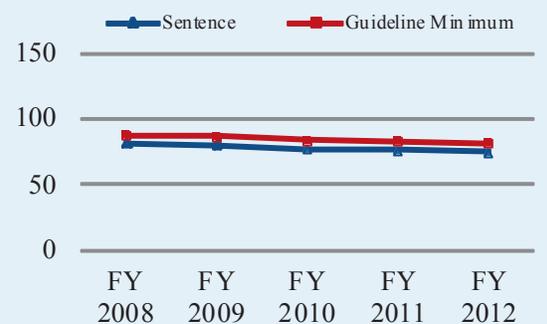
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2012



### Average Sentence and Average Guideline Minimum (in months)



<sup>4</sup> "Early Disposition Program (or EDP) departures" represent cases in which the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner.

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SOURCE: United States Sentencing Commission, 2008 through 2012 Datafiles, USSCFY08-USSCFY12.



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