

Statute or guideline (2015 version), and what it does	What predicate offenses trigger it			
	Force-clause offenses	Enumerated offenses	Drug offenses	Residual-clause offenses
<p>18 U.S.C. § 924 (ACCA)</p> <p>In the case of a person who violates section 922(g) [<i>felon in possession</i>] of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined under this title and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g)</p>	<p>has as an element the use, attempted use, or threatened use of physical force against the person of another</p>	<p>burglary, arson, or extortion, [or] involves use of explosives</p>	<p>listed federal drug offenses, or an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), <i>for which a maximum term of imprisonment of ten years or more is prescribed by law</i></p>	<p>involves conduct that presents a serious potential risk of physical injury to another*</p> <p>*language held unconstitutionally vague by <i>Johnson</i></p>
<p>U.S.S.G. § 4B1.1 & 4B1.2 (Career Offender)</p> <p>(a) A defendant is a career offender if (1) the defendant was at least eighteen years old at the time the defendant committed the instant offense of conviction; (2) <i>the instant offense*</i> of conviction is a felony that is either a crime of violence or a controlled substance offense; <i>and</i> (3) the defendant has at least two prior felony convictions** of either a crime of violence or a controlled substance offense</p> <p>*The current offense must also = a predicate offense.</p> <p>**<i>See</i> § 4A1.2(e)(1) for age of priors</p>	<p>has as an element the use, attempted use, or threatened use of physical force against the person of another</p>	<p>burglary <i>of a dwelling</i>, arson, or extortion, [or] . . . use of explosives</p> <p><i>After Aug. 16, 2016:</i></p> <p>murder, voluntary manslaughter, kidnapping, aggravated assault, a forcible sex offense, robbery, burglary of a dwelling, arson, or extortion, or the use or unlawful possession of a firearm . . . or explosive material</p>	<p>an offense under federal or state law, <i>punishable by imprisonment for a term exceeding one year</i>, that prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance (or a counterfeit substance) or the possession of a controlled substance (or a counterfeit substance) with intent to manufacture, import, export, distribute, or dispense</p>	<p>involves conduct that presents a serious potential risk of physical injury to another*</p> <p>*language held unconstitutionally vague by <i>Madrid</i></p> <p>**Watch out for “commentary offenses” (eliminated as of Aug. 16, 2016)</p>

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<p>U.S.S.G. § 2K2.1 (firearms guideline)</p> <p>Sets the base offense level at 24</p> <p>if the defendant committed any part of the instant offense subsequent to sustaining at least two felony convictions of either a crime of violence or a controlled substance offense</p>	<i>See</i> 4B1.2	<i>See</i> 4B1.2	<i>See</i> 4B1.2	<i>See</i> 4B1.2
<p>U.S.S.G. § 2L1.2 (unlawful reentry)</p> <p>Increases the base offense level if the defendant was deported or unlawfully remained in the United States after certain convictions for</p> <p>a felony crime of violence (12-16 levels) or three or more convictions for misdemeanor crimes of violence (4 levels)</p> <p>any aggravated felony (8 levels) or other felony (4 levels)</p>	<p>has as an element the use, attempted use, or threatened use of physical force against the person of another</p>	<p>a firearms offense; a child pornography offense; a national security or terrorism offense; a human trafficking offense; an alien smuggling offense</p> <p>murder, manslaughter, kidnapping, aggravated assault, forcible sex offenses . . . statutory rape, sexual abuse of a minor, robbery, arson, extortion, extortionate extension of credit, burglary <i>of a dwelling</i></p>	<p>a drug trafficking offense for which the sentence imposed exceeded 13 months (12-16 levels); or a drug trafficking offense for which the sentence imposed was 13 months or less (8-12 levels)</p> <p>“Drug trafficking offense” = an offense under federal, state, or local law that prohibits the manufacture, import, export, distribution, or dispensing of, or offer to sell a controlled substance (or a counterfeit substance) or the possession of a controlled substance (or a counterfeit substance) with intent to manufacture, import, export, distribute, or dispense</p>	<p>no “risk” clause mirroring the ACCA’s residual clause; but force-clause offenses are sometimes (confusingly) referred to in the 2L1.2 context as residual-clause offenses</p>

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<p>U.S.S.G. § 7B1.1 (classifying probation and supervised-release violations)</p> <p>Ranking as Grade A violations:</p> <p>conduct constituting (A) a federal, state, or local offense punishable by a term of imprisonment exceeding one year that (i) is a crime of violence, (ii) is a controlled substance offense, or (iii) involves possession of a firearm or destructive device of a type described in 26 U.S.C. § 5845(a); or (B) any other federal, state, or local offense punishable by a term of imprisonment exceeding twenty years</p>	<i>See</i> 4B1.2	<i>See</i> 4B1.2	<i>See</i> 4B1.2	<i>See</i> 4B1.2
<p>18 U.S.C. § 924(c)</p> <p>Establishes mandatory minimum sentences for</p> <p>any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm</p> <p>Note: The only predicate offense here = a current offense (rather than a prior conviction), even if not prosecuted</p>	has as an element the use, attempted use, or threatened use of physical force against the person <i>or property</i> of another	[none]	the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46	by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense

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<p>18 U.S.C. 16</p> <p>Defines “crime of violence” for purposes of various criminal offenses, drug offenses, immigration offenses (and removal), and restitution</p>	<p>has as an element the use, attempted use, or threatened use of physical force against the person <i>or property</i> of another</p>	<p>[none]</p>	<p>[none]</p>	<p>by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense*</p> <p>*language may be unconstitutionally vague under <i>Johnson; see Dimaya v. Lynch</i>, 803 F.3d 1110 (9th Cir. 2015).</p>
<p>18 U.S.C. § 3142(f)(1)(A) & (f)(1)(D) (Bail Reform Act)</p> <p>Mandating detention hearings on motion of the government in cases involving, among other crimes, “a crime of violence” or drug crime, or in felony prosecutions of a defendant with two or more prior convictions for a crime of violence or drug crime</p> <p>Also specifying “whether the offense is a crime of violence” as factor to consider at bail hearings</p>	<p>has as an element of the offense the use, attempted use, or threatened use of physical force against the person <i>or property</i> of another</p> <p>18 U.S.C. § 3156(a)(4)(A)</p>	<p><i>See statute</i></p>	<p>an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46</p>	<p>by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense</p> <p>18 U.S.C. § 3156(a)(4)(B)</p>