

Penalties for Interstate Stalking, Interstate Domestic Violence, Interstate Violation of A Protection Order



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18 U.S.C. §2261(b)	Interpretation
<p>Offenders will be fined, imprisoned -</p> <p>(1) for life or any term of years, if death of the victim results;</p> <p>(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;</p> <p>(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;</p> <p>(4) as provided for the applicable conduct under chapter 109A (18 U.S.C. § 2241 et seq.) if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and</p> <p>(5) for not more than 5 years, in any other case, or both fined and imprisoned.</p>	<p>Penalties for violating §2261, 2261A or 2262 are either a fine, imprisonment, or both. There are no minimum sentences, but there are maximums based on the extent of the victim's injuries. The maximum sentences are listed below along with the corresponding injury.</p> <ul style="list-style-type: none"> • life imprisonment if victim dies; • 20 years if victim is permanently disfigured; • 20 years if victim suffers life threatening bodily injury; • 10 years if victim suffers serious bodily injury; • penalties set forth in Chapter 109A (18 U.S.C. § 2241 et seq. - sex offenses) if offender's conduct meets the elements of any of those offenses (conduct does not have to occur in federal prison or within special/maritime jurisdiction of U.S.); or 5 years for any other situation. <p>In addition, the maximum sentence is 10 years if the offender uses a dangerous weapon.</p>
<p>Sentencing Enhancements, Upward Departure, and Additional Firearm Charges</p>	
<p>Sentencing Enhancements (See 18 U.S.S.G. §2A6.2. Stalking or Domestic Violence.)</p> <p>Under (a), base offense level is 14. Under (b)(1), offense increases 2 to 4 levels if it involves one or more of the following aggravating factors:</p> <ul style="list-style-type: none"> • bodily injury; • violation of a court protection order; • possession or threatened use of a dangerous weapon; or • pattern of stalking, threatening, harassing, or stalking the same victim. 	<p>Additional Charges for Use of Firearms (See 18 U.S.C. §924(c)(1))</p> <p>If the defendant uses or possesses a firearm in furtherance of a crime of violence for which he/she is convicted, charges under §924 may be filed and the following penalties may be available:</p> <ul style="list-style-type: none"> • 5 years or more; • 7 years or more if firearm is brandished; or • 10 years or more if firearm is discharged. <p>Specific Firearms</p> <p>If certain types of firearms are possessed or used, the following penalties may be imposed:</p>

18 U.S.C. §2261(b)	Interpretation
<p>Upward Departure to Address Severity of the Crime (See Application Note 5 of the Commentary to 18 U.S.S.G. §2A6.2.)</p> <p>An upward departure motion may be granted if sentencing enhancement under (b)(1) does not adequately reflect the extent or severity of the defendant's conduct. "For example, an upward departure may be warranted if the defendant stalked the victim on many occasions over a prolonged period of time."</p>	<ul style="list-style-type: none"> • 10 years or more (25 for multiple convictions) for short-barreled rifles or other listed firearms; or • 30 years or more (life for multiple convictions) for machine guns or destructive devices, or weapons equipped with silencers or firearm mufflers.

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