

TESTIMONY BY PAUL D. BORMAN, CHIEF FEDERAL DEFENDER, LEGAL AID AND DEFENDER ASSOCIATION OF DETROIT, ON BEHALF OF THE FEDERAL DEFENDERS, TO THE U.S. SENTENCING COMMISSION, MARCH 15, 1990, RE PROPOSED GUIDELINE AMENDMENTS (THE POSITION PAPER IN FINAL FORM WILL BE SUBMITTED BY MARCH 30, 1990).

#32, Pages 40-41 -- §2K2.1(b)(3)

We object to the enhancement for the loaded firearm/available ammunition. We believe this to have been assumed in setting the high BOL.

We also object to double-counting prior drug offenses or violent felonies in §2K2.1.

STATEMENT OF

SAMUEL J. BUFFONE, CHAIRPERSON
U.S. SENTENCING COMMISSION COMMITTEE
CRIMINAL JUSTICE SECTION

Item 32. This proposal is objectionable for the reasons set forth in the body of the testimony. In addition, what is the rationale for providing a base offense level of 16 -- a level corresponding to a guideline sentence of about 2 years imprisonment for a first offender -- for an individual who is acknowledged to have possessed a weapon "solely for lawful sporting purposes or collection"?