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Federal Firearms Cases, FY2008

January, 2010

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Federal Firearms Cases, FY2008

Abstract

Federal firearms laws regulate the importation, manufacture, shipment, transfer, receipt, possession, and use of firearms. The Gun Control Act, the Arms Export Control Act, and the National Firearms Act establish the framework for federal regulation. The vast majority of defendants in federal firearms cases are charged pursuant to the Gun Control Act, especially the subsection that makes it unlawful for a prohibited person to ship, transport, possess, or receive a firearm. Most defendants plead guilty and receive a sentence of imprisonment. This report summarizes federal firearms cases filed and closed in fiscal year 2008. Key statistics are compared for fiscal years 2008, 2007 and 2006. Statistics reported include prosecution outcomes, types of sentences, and mean sentences pursuant to each of the three firearm control acts. Judicial district data is provided for the statutory subsection that is most often the basis for a firearm charge.

Federal Firearms Cases, FY2008

Summary Findings

- A total of 8,595 defendants were charged with federal firearms offenses in FY2008, compared to 8,935 defendants in FY2007, a decrease of 4%. Federal firearms cases closed in FY2008 involved 8,824 defendants, compared to 9,160 defendants in FY2007, a decrease of 4%. (Table 1)
- Over 95% of defendants in cases filed and closed in FY2008 and FY2007 were charged pursuant to the Gun Control Act of 1968. (Table 1)
- The most frequent outcome for defendants in cases closed during FY2008 and FY2007 was a conviction by guilty plea, which occurred in over 85% of the cases. (Table 2)
- Of defendants with a sentence on record, 92% received a sentence of imprisonment with no probation in FY2008 and FY2007. (Table 3)
- The mean prison sentence for defendants convicted in FY2008 and FY2007 pursuant to the Gun Control Act of 1968 was 90 months. (Table 4)
- 31 defendants received a sentence of life in prison in FY2008, compared to 28 in FY2007. (Table 4)
- 58% of all defendants in federal firearms cases filed and closed in FY2008 were charged pursuant to 18 U.S.C. 922(g), which makes it unlawful for a prohibited person to ship, transport, possess, or receive a firearm. (Table 5)
- 24% of defendants in cases filed and 19% of defendants in cases closed in FY2008 were charged, pursuant to 18 U.S.C. 924(c), with use or possession of a firearm during commission of a violent or drug trafficking offense. (Table 5)
- Prison sentences pursuant to 18 U.S.C. 924(c) were among the longest rendered, with a mean sentence of 173 months in FY2008. The highest mean sentence in FY2008 was 575 months, for causing the death of a person through the use of a firearm pursuant to 18 U.S.C. 924(j). (Table 8)
- The 31 life sentences included 17 (55%) pursuant to subsection 924(c) and 11 (35%) pursuant to subsection 924(j). (Table 8)

Introduction

Federal firearms laws regulate the importation, manufacture, shipment, transfer, receipt, possession, and use of firearms (laws cited in this report are summarized on pages 8-9). National totals for federal firearms cases from fiscal years 2008, 2007 and 2006 are summarized in tables 1 through 4, including cases filed and closed, outcomes for defendants, types of sentences, and sentence means. Complete data for FY2007 and FY2006 may be found in *Federal Firearms Cases, FY2007* (NCJ 224890, 11/08).

A total of 8,595 defendants were charged with federal firearms offenses in FY2008, compared to 8,935 defendants in FY2007, a decrease of 4% (table 1). Federal firearms cases closed in FY2008 involved 8,824 defendants, compared to 9,160 defendants in FY2007, a decrease of 4%. The most frequent outcome for defendants in cases closed was a conviction by guilty plea, which occurred in 86% of the FY2008 cases and 87% of the FY2007 cases (table 2). Of defendants with a sentence on record, 92% received a sentence of imprisonment with no probation in FY2008, compared with 95% in FY2007 (table 3). Thirty-one defendants received a sentence of life in prison during FY2008, compared to 28 defendants during FY2007 (table 4). One sentence of death was rendered in FY2007, but none in FY2008.

Three Acts of Congress and subsequent amendments to these Acts establish a framework for federal regulation of firearms. Counts for the three Acts from FY2008, broken down by subsection, are presented in tables 5 through 12. Federal judicial district totals for one subsection are presented in table 13. National totals for federal weapons offenses (a category broader than firearm offenses) are presented in table 14.

Methodology

The Regional Justice Information Service (REJIS) analyzed statistical data on firearms and weapons offenses obtained from the Federal Justice Statistics Resource Center (FJSRC) database (<http://fjsrc.urban.org>). The FJSRC database collects statistics obtained from federal agencies, including the Administrative Office of the U.S. Courts, the Executive Office for U.S. Attorneys, and the U.S. Marshals Service. Additional data was provided to REJIS by Mark Motivans, Ph. D., of the Bureau of Justice Statistics.

Gun Control Act

The Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44 (sections 921 to 931), was enacted to keep firearms out of the hands of persons who are denied possession because of a criminal background, age, mental incompetence, or other prohibitions. Another purpose of the GCA is to make State firearms laws more effective by channeling interstate commerce in firearms through federally-licensed businesses and generally confining firearms transactions by unlicensed persons to their States of

residence. (For more information on the GCA and other firearm laws, see <http://www.atf.gov/firearms/legal/index.htm>.)

The number of defendants in cases filed pursuant to the GCA decreased 4%, from 8,650 in FY2007 to 8,320 in FY2008 (table 1). In both years, 97% of new defendants in federal firearms cases were charged pursuant to the GCA. The number of defendants in GCA cases closed also decreased 4%, from 8,831 in FY2007 to 8,460 in FY2008. GCA cases accounted for 96% of defendants in federal firearms cases closed in both years.

The most frequent outcome for defendants in GCA cases closed during FY2008 was a conviction by guilty plea, which occurred in 7,293 (86%) of the cases (table 2). In FY2007, 85% of the outcomes were guilty pleas. Of defendants with a sentence on record, 92% received a sentence of imprisonment with no probation in FY2008 and FY2007 (table 3). The mean prison sentence for convicted defendants was 90 months in FY2008 and FY2007 (table 4). Thirty-one defendants received a sentence of life in prison in FY2008, compared to 28 in FY2007.

Prohibited person offenses. During FY2008, 60% of defendants in cases filed and 61% of defendants in cases closed under the GCA were charged with a violation of subsection 922(g), which makes it unlawful for nine types of prohibited persons to ship, transport, possess, or receive a firearm (table 5). A prohibited person is one who:

- has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- is a fugitive from justice;
- is an unlawful user of or addicted to any controlled substance;
- has been adjudicated as a mental defective or committed to a mental institution;
- is an alien unlawfully in the U. S. or admitted under a nonimmigrant visa;
- was discharged from the armed forces under dishonorable conditions;
- has renounced U. S. citizenship;
- is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child of an intimate partner; or
- has been convicted in any court of a misdemeanor crime of domestic violence.

The most frequent outcome for defendants in cases closed under subsection 922(g) during FY2008 was a conviction by guilty plea, which occurred in 4,526 (88%) of the cases (table 6). Of defendants with a sentence on record, 4,448 (94%) received a sentence of imprisonment with no probation in FY2008 (table 7). The mean prison determinate-sentence for convicted defendants was nearly 67 months (table 8).

Cases filed and concluded with subsection 922(g) as the most serious charge occurred in every federal judicial district during FY2008. In FY2008, the Western District of Tennessee had the most 922(g) filings, with 199, and the Western District of Missouri

had the most cases concluded, with 207 (table 13). The Western District of Missouri convicted the most defendants by guilty plea (197) in FY2008 and the Western District of Tennessee convicted the most by trial (12). The longest mean prison sentence for defendants in FY2008 was 126 months in the Southern District of Indiana.

Violent or drug trafficking offenses. During FY2008, almost 25% of defendants in cases filed and 20% of defendants in cases closed pursuant to the GCA were charged with a violation of subsection 924(c), which penalizes use or possession of a firearm during commission of a violent or drug trafficking offense (table 5). As with other parts of the GCA, the vast majority of defendants convicted under subsection 924(c) plead guilty and received a sentence of imprisonment with no probation. These sentences were among the longest rendered for firearm offenses, with a mean sentence of 173 months in FY2008 (table 8). Seventeen defendants received a sentence of life in prison pursuant to subsection 924(c).

Causing a death with a firearm. Many of the most severe sentences were rendered according to subsection 924(j), which provides that a person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall be punished by death or by imprisonment for any term of years or for life if the killing is a murder. The mean prison sentence for the 19 defendants convicted under subsection 924(j) was 575 months in FY2008 (table 8). Eleven of the defendants received a sentence of life in prison.

Arms Export Control Act

The Arms Export Control Act (AECA), 22 U.S.C. 2778, gives the President of the United States the authority to control imports and exports of defense articles, including firearms and ammunition, in furtherance of world peace and the security and foreign policy of the nation. The AECA requires permits and licenses to import and export such articles. Imports to and exports from certain proscribed countries are prohibited.

The number of defendants in cases filed pursuant to the AECA increased 9%, from 43 in FY2007 to 47 in FY2008, while the number of defendants in cases closed more than doubled, from 21 in FY2007 to 46 in FY2008 (table 1). The most frequent outcome for defendants in AECA cases closed during FY2008 was a conviction by guilty plea, which occurred in 78% of the cases (table 2). In FY2007, 71% of the outcomes were pleas of guilty. Of defendants with a sentence on record, 78% received a sentence of imprisonment with no probation in FY2008, compared to 76% in FY2007 (table 3). The mean prison sentence for convicted defendants was 41 months in FY2008 and 32 months in FY2007 (table 4).

The subsection of the AECA invoked most often in prosecutions was 2778(b), which requires registration and licensing of persons who engage in manufacturing, exporting, or importing of defense articles or services. Fines levied against convicted defendants

pursuant to the AECA were the highest among all firearms cases, with a mean of almost \$17,000 (table 12). The highest single fine levied in FY2008 was for \$25,000.

National Firearms Act

The National Firearms Act (NFA), 26 U.S.C. Chapter 53 (sections 5801 to 5872), regulates certain classes of firearms, such as machine guns, short-barrel rifles, short-barrel shotguns, silencers, and destructive devices. The NFA requires registration of regulated weapons by their makers, manufacturers, and importers. Taxes are imposed on transactions in such weapons.

The number of defendants in cases filed pursuant to the NFA decreased 6%, from 242 in FY2007 to 228 in FY2008, while the number of defendants in cases closed increased 3%, from 308 in FY2007 to 318 in FY2008 (table 1). The most frequent outcome for defendants in NFA cases closed during FY2008 was a conviction by guilty plea, which occurred in 273 (86%) of the cases (table 2). In FY2007, 89% of the outcomes were pleas of guilty. Of defendants with a sentence on record, 85% received a sentence of imprisonment with no probation in FY2008, compared to 87% in FY2007 (table 3). The mean prison sentence for convicted defendants was 46 months in FY2008 and 44 months in FY2007 (table 4). Probation sentences were similar in length, with a mean of 47 months in FY2008 and 43 months in FY2007.

Almost 58% of NFA cases filed in FY2008 charged a defendant with a violation of subsection 5861(d), which prohibits receipt or possession of an unregistered firearm (table 9). Prosecutions pursuant to subsection 5861(d) made up 54% of NFA cases closed in FY2008. The most frequent outcome for defendants in cases closed under subsection 5861(d) during FY2008 was a conviction by guilty plea, which occurred in 146 (85%) of the cases (table 10). Of defendants with a sentence on record, 127 (84%) received a sentence of imprisonment with no probation in FY2008 (table 11). The mean prison determinate-sentence for convicted defendants was 42 months in FY2008 (table 12).

Weapons offenses

Federal weapons offenses include firearms and switchblade knife offenses, and statutes that provide for a sentence enhancement when a deadly weapon is used in a crime. The number of suspects in investigations initiated decreased 1%, from 11,713 in FY 2007 to 11,631 in FY2008 (table 14). The number of suspects in investigations concluded decreased 3%, from 12,118 in FY 2007 to 11,744 in FY2008. Persons arrested and booked for weapons offenses also decreased 3%, from 8,657 in FY2007 to 8,426 in FY2008. Defendants charged in weapons cases decreased 4%, from 8,953 in FY2007 to 8,621 in FY2008. The number of defendants in weapons cases closed decreased 2%, from 9,193 in FY2007 to 8,992 in FY2008.

Summary of Selected Federal Firearms Laws

Gun Control Act of 1968, 18 U.S.C. Chapter 44

18 U.S.C. § 922, Unlawful acts

- (a), Unlawful importation, manufacture, shipment, transfer, or receipt of a firearm, including making a false statement or furnishing false identification to acquire a firearm
- (b), Sale of a firearm to an underage person or nonresident, or in violation of State law
- (c), Sale of a firearm to a person not present at a licensee's business premises
- (d), Sale of a firearm to a known prohibited person
- (e), Delivery of a firearm to a common carrier for shipment without proper notice
- (f), Unlawful transportation of a firearm by a common carrier
- (g), Unlawful for a prohibited person to ship, transport, possess, or receive a firearm
- (h), Receipt of a firearm by a person employed by a prohibited person
- (i), Transporting or shipping a stolen firearm
- (j), Receive, possess, conceal, store, barter, sell, or dispose of a stolen firearm
- (k), Transporting, shipping, or receiving a firearm with an obliterated or altered serial number
- (l), Unlawful importation of a firearm
- (m), Making a false entry in, or failing to make an entry in, a record required by law
- (n), Shipment, transportation, or receipt of a firearm by a person under indictment for a felony
- (o), Unlawful transfer or possession of a machine gun
- (p), Manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm not detectable by walk-through metal detectors or airport x-ray machines
- (q), Possession of a firearm in a school zone
- (r), Assembly from imported parts of a rifle or shotgun identical to a banned firearm
- (t), Failure of licensee to comply with Brady Handgun Violence Prevention Act
- (u), Theft of firearm from licensed importer, manufacturer, or dealer
- (x), Unlawful transfer to, or possession of a handgun by, a juvenile

18 U.S.C. § 923, Licensing of firearms importers, manufacturers, and dealers

18 U.S.C. § 924, Penalties

- (a), Penalties for false statements and other unlawful acts
- (b), Shipment, transportation, or receipt of a firearm with the intent to commit a felony or with reasonable knowledge that a felony will be committed
- (c), Use or possession of a firearm during commission of a violent or drug trafficking offense
- (d), Seizure and forfeiture of firearms involved or used in knowing firearm violations
- (e), Possession of a firearm by a person with three prior convictions for a violent felony or serious drug trafficking offense
- (f), Possession of gun not detectable by walk-through metal detectors or airport x-ray machines
- (g), Interstate or foreign acquisition of a firearm in furtherance of an unlawful purpose
- (h), Transfer of a firearm with reasonable knowledge that the firearm will be used to commit a crime of violence or drug trafficking offense
- (i), Theft of a firearm from a licensed importer, manufacturer, or dealer
- (j), Causing death with a firearm during commission of a violent crime or a controlled substance offense
- (k), Smuggling firearms with intent to commit a controlled substance offense or violent crime
- (l), Theft of a firearm that has moved in interstate or foreign commerce
- (m), Theft of a firearm from a licensed importer, manufacturer, dealer, or collector
- (n), Interstate or foreign travel by an unlicensed person to acquire a firearm
- (o), Conspiracy to commit an offense under subsection (c)

Summary of Selected Federal Firearms Laws

18 U.S.C. § 929, Possession of armor piercing ammunition during the commission of a violent or drug trafficking offense

18 U.S.C. § 930, Possession of a firearm or a dangerous weapon in a Federal facility

Arms Export Control Act, 22 U.S.C. § 2778

(a), Presidential control of exports and imports of defense articles

(b), Registration and licensing for manufacturers, exporters, or importers of defense articles

(c), Criminal violations, including false statements in registration or licensing

National Firearms Act, 26 U.S.C. Chapter 53

26 U.S.C. § 5812, Transfer of firearms (registration and taxation)

26 U.S.C. § 5822, Manufacture of firearms (registration and taxation)

26 U.S.C. § 5841, Registration of firearms

26 U.S.C. § 5842, Identification of firearms

26 U.S.C. § 5844, Importation of firearms

26 U.S.C. § 5845, Definitions of regulated firearms

26 U.S.C. § 5861, Prohibited acts

(a), Engage in business as a manufacturer, importer, or dealer of firearms without having registered or paid an occupational tax

(b), Receive or possess a firearm that was unlawfully transferred

(c), Receive or possess an unlawfully manufactured firearm

(d), Receive or possess an unregistered firearm

(e), Unlawful transfer of a firearm

(f), Making an illegal firearm

(g), Obliterating, removing, changing, or altering the serial number of a firearm

(h), Receive or possess a firearm with a serial number obliterated, removed, changed, or altered

(i), Receive or possess a firearm without a serial number

(j), Transport, deliver, or receive an unregistered firearm

(k), Receive or possess a firearm unlawfully imported into the U.S.

(l), Knowingly making a false entry on any required record

26 U.S.C. § 5871, Penalties

Note: The laws summarized are those that are cited in the statistical tables

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Note: In tables 5 to 13, subsections of statutes are designated by capital letters. In the official U.S. Code, these subsections are designated by small letters.

**Table 1. Federal firearms cases
Number of defendants in cases filed and closed, FY2006-FY2008**

	Defendants in cases filed			Defendants in cases closed		
	FY2008	FY2007	FY2006	FY2008	FY2007	FY2006
Total	8,595	8,935	9,238	8,824	9,160	9,617
Gun Control Act of 1968	8,320	8,650	8,918	8,460	8,831	9,179
Arms Export and Control Act	47	43	33	46	21	34
National Firearms Act	228	242	287	318	308	404

**Table 2. Federal firearms cases
Outcomes for defendants in cases closed, FY2006-FY2008**

	Pretrial diversion	Dismissal or nolle prosequi	Mistrial ^a	Acquitted by jury or not guilty but insane	Acquitted by court	Convicted - plead guilty	Convicted - plead nolo ^b	Convicted by jury or guilty but insane	Convicted by court or guilty but insane	Total outcomes
FY2008 Total	14	643	1	83	15	7,602	12	431	23	8,824
Gun Control Act of 1968	12	603	1	79	15	7,293	11	423	23	8,460
Arms Export and Control Act	0	9	0	0	0	36	0	1	0	46
National Firearms Act	2	31	0	4	0	273	1	7	0	318
FY2007 Total	9	706	2	87	11	7,811	9	508	17	9,160
Gun Control Act of 1968	8	684	2	84	11	7,521	9	496	16	8,831
Arms Export and Control Act	0	4	0	0	0	15	0	2	0	21
National Firearms Act	1	18	0	3	0	275	0	10	1	308
FY2006 Total	n\a	692	n\a	88	11	8,205	n\a	578	35	9,609
Gun Control Act of 1968	n\a	651	n\a	84	11	7,822	n\a	573	35	9,176
Arms Export and Control Act	n\a	4	n\a	0	0	30	n\a	0	0	34
National Firearms Act	n\a	37	n\a	4	0	353	n\a	5	0	399

n\a = Not available

^aFor FY2006, mistrials were included with "acquitted by jury or not guilty but insane."

^bFor FY2006, nolo pleas were included with "convicted - plead guilty."

**Table 3. Federal firearms cases
Type of sentence for defendants convicted, FY2006-FY2008**

	Prison and probation	Prison - no probation	Probation- no prison	Fine only	Suspended	Total known sentences	No sentence \ unknown	Total defendants
FY2008 Total	11	7,390	439	30	128	7,998	826	8,824
Gun Control Act of 1968	11	7,123	404	26	118	7,682	778	8,460
Arms Export and Control Act	0	29	5	2	1	37	9	46
National Firearms Act	0	238	30	2	9	279	39	318
FY2007 Total	20	7,647	457	19	140	8,283	871	9,154
Gun Control Act of 1968	20	7,386	423	17	135	7,981	845	8,826
Arms Export and Control Act	0	13	3	1	0	17	4	21
National Firearms Act	0	248	31	1	5	285	22	307
FY2006 Total	57	8,133	464	24	108	8,776	42	9,609
Gun Control Act of 1968	44	7,799	422	21	103	8,389	787	9,176
Arms Export and Control Act	0	25	1	2	2	30	4	34
National Firearms Act	3	309	41	1	3	357	42	399

**Table 4. Federal firearms cases
Mean prison or probation sentence, or fine only amount, for defendants convicted, FY2006-FY2008**

	Prison - Life Count	Prison - Death Count	Prison - Determinate Count	Total Prison Count	Prison Mean (months)*	Probation Count	Probation Mean (months)	Fine Only Count	Fine Only Mean (\$)
FY2008 Total or Mean	31	0	7,370	7,397	n/a	449	n/a	32	n/a
Gun Control Act of 1968	31	0	7,103	7,130	90.00	415	39.66	27	1,360.37
Arms Export and Control Act	0	0	29	29	40.62	4	42.00	3	16,666.67
National Firearms Act	0	0	238	238	46.15	30	47.00	2	2,250.00
FY2007 Total or Mean	28	1	7,638	7,667	n/a	476	n/a	24	n/a
Gun Control Act of 1968	28	1	7,377	7,406	90.00	442	37.06	22	1,465
Arms Export and Control Act	0	0	13	13	32.08	3	40.00	1	1,000,000
National Firearms Act	0	0	248	248	44.24	31	42.97	1	2,500
FY2006 Total or Mean	n/a	n/a	n/a	8,144	n/a	509	n/a	24	n/a
Gun Control Act of 1968	n/a	n/a	n/a	7,807	90.79	464	39.56	21	n/a
Arms Export and Control Act	n/a	n/a	n/a	25	42.68	1	60.00	2	517,500
National Firearms Act	n/a	n/a	n/a	312	37.52	44	39.56	1	10,000

n/a = Not available

*Mean prison sentences for FY2008 and FY2007 exclude sentences to life or death

**Table 5. Gun Control Act of 1968, 18 U.S.C. Chapter 44
Number of defendants in cases filed and closed, FY2008**

Title and section	Number of defendants in cases filed, FY2008	Number of defendants in cases closed, FY2008
18 921	0	1
18 922 A	336	434
18 922 B	25	29
18 922 C	24	51
18 922 D	81	74
18 922 E	7	12
18 922 F	3	4
18 922 G	4,992	5,169
18 922 H	1	2
18 922 I	9	11
18 922 J	113	197
18 922 K	153	96
18 922 L	0	1
18 922 M	5	9
18 922 N	115	157
18 922 O	70	48
18 922 Q	22	25
18 922 S	1	0
18 922 T	1	1
18 922 U	59	51
18 922 X	3	4
18 923	1	1
18 924 A	120	200
18 924 B	6	9
18 924 C	2,037	1,717
18 924 D	0	1
18 924 E	11	19
18 924 F	10	4
18 924 G	16	12
18 924 H	6	9
18 924 I	10	12
18 924 J	29	33
18 924 K	0	1
18 924 L	2	1
18 924 M	1	0
18 924 N	1	1
18 924 O	3	22
18 929	1	0
18 930	43	38
18 931	3	4
Total	8,320	8,460

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)
Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 6. Gun Control Act of 1968, 18 U.S.C. Chapter 44
Outcomes for defendants in cases closed, FY2008**

Title and Section	Pretrial diversion	Dismissal or nolle prosequi	Mistrial	Acquitted by jury or not guilty but insane	Acquitted by court	Convicted - plead guilty	Convicted - plead nolo	Convicted by jury or guilty but insane	Convicted by court or guilty but insane	Total outcomes
18 921	0	0	0	0	0	1	0	0	0	1
18 922 A	0	28	0	4	3	384	2	13	0	434
18 922 B	0	1	0	0	0	28	0	0	0	29
18 922 C	0	2	0	1	0	45	0	2	1	51
18 922 D	0	8	0	4	0	59	0	3	0	74
18 922 E	0	1	0	0	0	11	0	0	0	12
18 922 F	0	0	0	0	0	4	0	0	0	4
18 922 G	1	372	0	40	9	4,526	9	199	13	5,169
18 922 H	0	0	0	0	0	2	0	0	0	2
18 922 I	0	1	0	0	0	10	0	0	0	11
18 922 J	1	9	0	2	1	181	0	3	0	197
18 922 K	0	26	0	3	0	62	0	5	0	96
18 922 L	0	0	0	0	0	1	0	0	0	1
18 922 M	0	0	0	0	0	9	0	0	0	9
18 922 N	0	9	0	0	0	141	0	7	0	157
18 922 O	0	5	0	1	0	41	0	1	0	48
18 922 Q	0	2	1	0	0	22	0	0	0	25
18 922 T	0	0	0	0	0	1	0	0	0	1
18 922 U	0	1	0	0	0	50	0	0	0	51
18 922 X	0	0	0	0	0	4	0	0	0	4
18 923	0	0	0	0	0	1	0	0	0	1
18 924 A	1	11	0	1	0	181	0	6	0	200
18 924 B	0	1	0	0	0	8	0	0	0	9
18 924 C	1	109	0	20	1	1,413	0	164	9	1,717
18 924 D	0	0	0	0	0	1	0	0	0	1
18 924 E	0	1	0	1	0	15	0	2	0	19
18 924 F	0	0	0	0	0	3	0	1	0	4
18 924 G	0	1	0	1	0	10	0	0	0	12
18 924 H	0	0	0	0	0	9	0	0	0	9
18 924 I	0	3	0	0	0	9	0	0	0	12
18 924 J	0	2	0	1	0	14	0	16	0	33
18 924 K	0	0	0	0	0	1	0	0	0	1
18 924 L	0	0	0	0	0	1	0	0	0	1
18 924 N	0	0	0	0	0	1	0	0	0	1
18 924 O	0	0	0	0	0	21	0	1	0	22
18 930	8	10	0	0	1	19	0	0	0	38
18 931	0	0	0	0	0	4	0	0	0	4
Total	12	603	1	79	15	7,293	11	423	23	8,460

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 7. Gun Control Act of 1968, 18 U.S.C. Chapter 44
Type of sentence for defendants convicted, FY2008**

Title and section	Prison and probation	Prison - no probation	Probation- no prison	Fine only	Suspended	Total known sentences	No sentence \ unknown*	Total defendants
18 921	0	1	0	0	0	1	0	1
18 922 A	1	295	85	0	8	389	45	434
18 922 B	0	19	8	0	1	28	1	29
18 922 C	0	40	6	0	1	47	4	51
18 922 D	0	46	15	0	0	61	13	74
18 922 E	0	8	2	0	0	10	2	12
18 922 F	0	4	0	0	0	4	0	4
18 922 G	5	4,448	169	11	76	4,709	460	5,169
18 922 H	0	2	0	0	0	2	0	2
18 922 I	0	10	0	0	0	10	1	11
18 922 J	1	158	18	0	6	183	14	197
18 922 K	0	52	12	0	2	66	30	96
18 922 L	0	1	0	0	0	1	0	1
18 922 M	0	3	6	0	0	9	0	9
18 922 N	0	140	6	0	1	147	10	157
18 922 O	0	36	5	1	0	42	6	48
18 922 Q	0	16	3	0	3	22	3	25
18 922 T	0	0	1	0	0	1	0	1
18 922 U	0	41	6	0	1	48	3	51
18 922 X	0	0	4	0	0	4	0	4
18 923	0	1	0	0	0	1	0	1
18 924 A	1	135	42	3	5	186	14	200
18 924 B	0	7	0	1	0	8	1	9
18 924 C	3	1,550	8	2	13	1,576	141	1,717
18 924 D	0	1	0	0	0	1	0	1
18 924 E	0	16	1	0	0	17	2	19
18 924 F	0	4	0	0	0	4	0	4
18 924 G	0	10	0	0	0	10	2	12
18 924 H	0	8	0	0	1	9	0	9
18 924 I	0	9	0	0	0	9	3	12
18 924 J	0	30	0	0	0	30	3	33
18 924 K	0	1	0	0	0	1	0	1
18 924 L	0	1	0	0	0	1	0	1
18 924 N	0	1	0	0	0	1	0	1
18 924 O	0	22	0	0	0	22	0	22
18 930	0	4	6	8	0	18	20	38
18 931	0	3	1	0	0	4	0	4
Total	11	7,123	404	26	118	7,682	778	8,460

*Includes categories of "no sentence," "sentence-sealed," "guilty-no sentence," and "missing/unknown."

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 8. Gun Control Act of 1968, 18 U.S.C. Chapter 44
Mean prison or probation sentence, or fine only amount, for defendants convicted, FY2008**

Title and section	Prison - Life Count	Prison - Death Count	Prison - Determinate Count	Prison Mean (months)*	Probation Count	Probation Mean (months)	Fine Only Count	Fine Only Mean (\$)
18 921	0	0	1	66.00	0	0.00	0	0.00
18 922 A	0	0	296	59.80	86	35.69	0	0.00
18 922 B	0	0	19	46.37	8	28.50	0	0.00
18 922 C	0	0	40	60.23	6	27.67	1	500.00
18 922 D	0	0	46	47.70	15	37.60	0	0.00
18 922 E	0	0	8	36.25	2	30.00	0	0.00
18 922 F	0	0	4	33.50	0	0.00	0	0.00
18 922 G	3	0	4,450	66.75	174	41.37	11	1,568.18
18 922 H	0	0	2	53.50	0	0.00	0	0.00
18 922 I	0	0	10	71.90	0	0.00	0	0.00
18 922 J	0	0	159	53.81	19	47.68	0	0.00
18 922 K	0	0	52	42.79	12	33.50	0	0.00
18 922 L	0	0	1	10.00	0	0.00	0	0.00
18 922 M	0	0	3	66.67	6	30.00	0	0.00
18 922 N	0	0	140	50.04	6	52.00	0	0.00
18 922 O	0	0	36	49.56	5	48.00	1	4,000.00
18 922 Q	0	0	16	90.31	3	56.00	0	0.00
18 922 T	0	0	0	0.00	1	36.00	0	0.00
18 922 U	0	0	41	40.54	6	58.00	0	0.00
18 922 X	0	0	0	0.00	4	24.00	0	0.00
18 923	0	0	1	12.00	0	0.00	0	0.00
18 924 A	0	0	136	72.92	43	37.40	3	3,000.00
18 924 B	0	0	7	94.86	0	0.00	1	3,000.00
18 924 C	17	0	1,536	173.17	11	53.45	2	350.00
18 924 D	0	0	1	110.00	0	0.00	0	0.00
18 924 E	0	0	16	119.56	1	48.00	0	0.00
18 924 F	0	0	4	165.00	0	0.00	0	0.00
18 924 G	0	0	10	71.00	0	0.00	0	0.00
18 924 H	0	0	8	72.88	0	0.00	0	0.00
18 924 I	0	0	9	49.44	0	0.00	0	0.00
18 924 J	11	0	19	575.11	0	0.00	0	0.00
18 924 K	0	0	1	60.00	0	0.00	0	0.00
18 924 L	0	0	1	96.00	0	0.00	0	0.00
18 924 N	0	0	1	56.00	0	0.00	0	0.00
18 924 O	0	0	22	118.91	0	0.00	0	0.00
18 930	0	0	4	15.25	6	30.00	8	285.00
18 931	0	0	3	14.67	1	60.00	0	0.00
Total	31	0	7,103	90.00	415	39.66	27	1,360.37

*Mean prison sentences exclude sentences to life or death

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 9. Arms Export Control Act (AECA), 22 U.S.C. 2778
National Firearms Act (NFA), 26 U.S.C. Chapter 53
Number of defendants in cases filed and closed, FY2008**

Title and section	Number of defendants in cases filed, FY2008	Number of defendants in cases closed, FY2008
22 2778	26	22
22 2778 B	20	16
22 2778 C	1	8
AECA Total	47	46
26 5812	6	3
26 5822	4	9
26 5841	43	69
26 5845	12	14
26 5861 A	10	9
26 5861 B	1	0
26 5861 C	9	11
26 5861 D	132	172
26 5861 E	4	7
26 5861 F	1	10
26 5861 G	0	1
26 5861 H	0	1
26 5861 I	2	2
26 5861 J	3	3
26 5861 L	0	1
26 5871	1	6
NFA Total	228	318

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)
Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 10. Arms Export Control Act (AECA), 22 U.S.C. 2778
National Firearms Act (NFA), 26 U.S.C. Chapter 53
Outcomes for defendants in cases closed, FY2008**

Title and Section	Pretrial diversion	Dismissal or nolle prosequi	Mistrial	Acquitted by jury or not guilty but insane	Acquitted by court	Convicted - plead guilty	Convicted - plead nolo	Convicted by jury or guilty but insane	Convicted by court or guilty but insane	Total outcomes
22 2778	0	3	0	0	0	19	0	0	0	22
22 2778 B	0	5	0	0	0	10	0	1	0	16
22 2778 C	0	1	0	0	0	7	0	0	0	8
AECA Total	0	9	0	0	0	36	0	1	0	46
26 5812	0	0	0	0	0	3	0	0	0	3
26 5822	0	0	0	0	0	9	0	0	0	9
26 5841	1	8	0	3	0	57	0	0	0	69
26 5845	0	0	0	0	0	14	0	0	0	14
26 5861 A	0	2	0	0	0	7	0	0	0	9
26 5861 C	0	0	0	0	0	11	0	0	0	11
26 5861 D	0	19	0	1	0	146	0	6	0	172
26 5861 E	0	0	0	0	0	6	1	0	0	7
26 5861 F	1	0	0	0	0	8	0	1	0	10
26 5861 G	0	0	0	0	0	1	0	0	0	1
26 5861 H	0	0	0	0	0	1	0	0	0	1
26 5861 I	0	0	0	0	0	2	0	0	0	2
26 5861 J	0	1	0	0	0	2	0	0	0	3
26 5861 L	0	1	0	0	0	0	0	0	0	1
26 5871	0	0	0	0	0	6	0	0	0	6
NFA Total	2	31	0	4	0	273	1	7	0	318

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 11. Arms Export Control Act (AECA), 22 U.S.C. 2778
National Firearms Act (NFA), 26 U.S.C. Chapter 53
Type of sentence for defendants convicted, FY2008**

Title and section	Prison and probation	Prison - no probation	Probation- no prison	Fine only	Suspended	Total known sentences	No sentence \ unknown*	Total defendants
22 2778	0	17	1	1	0	19	3	22
22 2778 B	0	9	1	0	1	11	5	16
22 2778 C	0	3	3	1	0	7	1	8
AECA Total	0	29	5	2	1	37	9	46
26 5812	0	2	0	1	0	3	0	3
26 5822	0	6	2	0	0	8	1	9
26 5841	0	51	4	1	1	57	12	69
26 5845	0	13	0	0	1	14	0	14
26 5861 A	0	7	0	0	0	7	2	9
26 5861 C	0	9	1	0	1	11	0	11
26 5861 D	0	127	19	0	5	151	21	172
26 5861 E	0	7	0	0	0	7	0	7
26 5861 F	0	6	2	0	1	9	1	10
26 5861 G	0	1	0	0	0	1	0	1
26 5861 H	0	1	0	0	0	1	0	1
26 5861 I	0	2	0	0	0	2	0	2
26 5861 J	0	2	0	0	0	2	1	3
26 5861 L	0	0	0	0	0	0	1	1
26 5871	0	4	2	0	0	6	0	6
NFA Total	0	238	30	2	9	279	39	318

*Includes categories of "no sentence," "sentence-sealed," "guilty-no sentence," and "missing/unknown."

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

**Table 12. Arms Export Control Act (AECA), 22 U.S.C. 2778
National Firearms Act (NFA), 26 U.S.C. Chapter 53
Mean prison or probation sentence, or fine only amount, for
defendants convicted, FY2008**

Title and section	Prison - Life Count	Prison - Death Count	Prison - Determinate Count	Prison Mean (months)*	Probation Count	Probation Mean (months)	Fine Only Count	Fine Only Mean (\$)
22 2778	0	0	17	29.18	1	60.00	1	25,000.00
22 2778 B	0	0	9	69.67	1	24.00	0	0.00
22 2778 C	0	0	3	18.33	2	42.00	2	12,500.00
AECA Total	0	0	29	40.62	4	42.00	3	16,666.67
26 5812	0	0	2	31.00	0	0.00	1	500.00
26 5822	0	0	6	44.17	2	60.00	0	0.00
26 5841	0	0	51	54.51	4	48.00	1	4,000.00
26 5845	0	0	13	45.15	0	0.00	0	0.00
26 5861 A	0	0	7	54.00	0	0.00	0	0.00
26 5861 C	0	0	9	45.00	1	96.00	0	0.00
26 5861 D	0	0	127	42.19	19	44.84	0	0.00
26 5861 E	0	0	7	40.86	0	0.00	0	0.00
26 5861 F	0	0	6	60.67	2	39.00	0	0.00
26 5861 G	0	0	1	32.00	0	0.00	0	0.00
26 5861 H	0	0	1	18.00	0	0.00	0	0.00
26 5861 I	0	0	2	22.00	0	0.00	0	0.00
26 5861 J	0	0	2	90.00	0	0.00	0	0.00
26 5861 L	0	0	0	0.00	0	0.00	0	0.00
26 5871	0	0	4	56.00	2	36.00	0	0.00
NFA Total	0	0	238	46.15	30	47.00	2	2,250.00

* Mean prison sentences exclude sentences to life or death

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

Data Source: Administrative Office of U.S. Courts' criminal data (as standardized by the FJSRC)

Table 13. Defendants in cases filed and concluded in U.S. district court with 18 U.S.C. 922G as most serious charge, FY2008

Federal judicial district	Cases	Cases concluded									
	filed	Convicted		Not Convicted		Sentence				Mean prison sentence	
	Total	Total	Plea	Trial ^a	Trial ^a	Dismissed	Prison ^b	Probation only	Fine only		Suspended
Total	5,007	5,169	4,535	212	49	373	4,453	169	11	84	67 mos.
Alabama --Middle	44	62	55	1	1	5	55	1	0	0	63
Alabama --Northern	119	128	120	4	1	3	123	1	0	0	61
Alabama --Southern	26	24	22	1	0	1	22	1	0	0	45
Alaska	15	14	11	3	0	0	14	0	0	0	59
Arizona	100	125	119	3	0	3	104	3	0	15	30
Arkansas --Eastern	43	65	50	4	0	11	52	0	0	2	93
Arkansas --Western	15	17	14	0	1	2	10	2	0	2	39
California --Central	68	46	40	1	1	4	36	2	0	3	40
California --Eastern	69	47	43	2	0	2	43	2	0	0	58
California --Northern	59	38	33	1	1	3	34	0	0	0	52
California --Southern	26	35	32	0	0	3	26	2	0	4	25
Colorado	58	48	39	0	0	9	37	0	0	2	47
Connecticut	25	35	32	1	0	2	32	0	0	1	68
Delaware	48	44	37	2	2	3	35	2	0	0	41
District of Columbia	8	9	6	3	0	0	8	0	0	1	--
Florida --Middle	113	82	70	6	1	5	73	3	0	0	102
Florida --Northern	23	24	17	6	0	1	22	1	0	0	99
Florida --Southern	103	105	85	8	6	6	91	0	0	2	100
Georgia --Middle	25	29	27	0	0	2	25	2	0	0	54
Georgia --Northern	45	50	38	6	3	3	44	0	0	0	95
Georgia --Southern	55	65	52	5	0	8	55	2	0	0	63
Guam/Northern Mariana	10	8	6	0	0	2	3	2	0	0	--
Hawaii	5	14	14	0	0	0	14	0	0	0	44
Idaho	39	26	23	0	1	2	21	2	0	0	46
Illinois --Central	33	41	38	2	0	1	40	0	0	0	57
Illinois --Northern	20	25	20	4	0	1	24	0	0	0	99
Illinois --Southern	35	33	31	0	0	2	30	0	1	0	81
Indiana --Northern	83	73	64	7	1	1	64	7	0	0	44
Indiana --Southern	28	20	19	0	0	1	19	0	0	0	126
Iowa --Northern	39	50	44	4	0	2	41	6	1	0	50
Iowa --Southern	64	67	52	5	2	8	50	7	0	0	69
Kansas	82	83	75	1	0	7	70	3	0	3	55

Table 13. Defendants in cases filed and concluded in U.S. district court with 18 U.S.C. 922G as most serious charge, FY2008

Federal judicial district	Cases	Cases concluded									
	filed	Convicted		Not Convicted			Sentence				Mean prison sentence
	Total	Total	Plea	Trial ^a	Trial ^a	Dismissed	Prison ^b	Probation only	Fine only	Suspended	
Kentucky --Eastern	54	53	48	0	2	3	37	6	0	5	46
Kentucky --Western	29	17	16	0	0	1	16	0	0	0	42
Louisiana --Eastern	28	59	55	1	0	3	55	1	0	0	50
Louisiana --Middle	36	40	26	1	0	13	27	0	0	0	72
Louisiana --Western	31	15	15	0	0	0	15	0	0	0	63
Maine	35	32	28	2	0	2	26	4	0	0	53
Maryland	85	80	66	4	2	8	65	3	0	2	102
Massachusetts	48	42	34	3	3	2	34	2	0	0	94
Michigan --Eastern	56	52	44	3	0	5	45	2	0	0	79
Michigan --Western	45	48	44	2	0	2	45	1	0	0	75
Minnesota	34	51	43	6	0	2	48	1	0	0	98
Mississippi --Northern	12	14	14	0	0	0	13	1	0	0	34
Mississippi --Southern	67	62	51	2	1	8	51	1	0	0	56
Missouri --Eastern	162	166	159	2	2	3	152	7	0	0	65
Missouri --Western	194	207	197	2	0	8	181	16	0	1	61
Montana	44	45	35	2	0	8	35	2	0	0	46
Nebraska	79	77	70	3	0	4	69	1	0	3	46
Nevada	35	34	28	0	0	6	26	1	0	0	51
New Hampshire	3	10	8	0	0	2	7	1	0	0	--
New Jersey	90	126	114	4	0	8	116	1	0	0	65
New Mexico	42	48	41	0	0	7	40	1	0	0	66
New York --Eastern	43	71	55	6	3	7	60	1	0	0	57
New York --Northern	19	20	20	0	0	0	20	0	0	0	43
New York --Southern	86	79	67	3	4	5	60	3	1	4	53
New York --Western	34	39	33	2	0	4	29	3	0	3	52
North Carolina --Eastern	17	22	19	1	2	0	19	0	0	0	96
North Carolina --Middle	138	72	71	0	0	1	69	1	0	0	101
North Carolina --Western	77	107	84	3	0	20	82	2	0	3	73
North Dakota	21	19	18	0	0	1	12	4	0	0	52
Ohio --Northern	76	88	83	3	0	2	84	1	0	1	57
Ohio --Southern	43	45	42	0	0	3	38	3	1	0	59
Oklahoma --Eastern	13	12	8	4	0	0	12	0	0	0	73
Oklahoma --Northern	37	54	45	3	0	6	48	0	0	0	64

Table 13. Defendants in cases filed and concluded in U.S. district court with 18 U.S.C. 922G as most serious charge, FY2008

Federal judicial district	Cases	Cases concluded									
	filed	Convicted		Not Convicted			Sentence				Mean prison sentence
Total	Total	Plea	Trial ^a	Trial ^a	Dismissed	Prison ^b	Probation only	Fine only	Suspended		
Oklahoma --Western	48	41	37	1	0	3	36	1	1	0	80
Oregon	59	84	71	3	0	10	68	5	0	0	87
Pennsylvania --Eastern	70	57	43	10	1	3	47	2	0	4	88
Pennsylvania --Middle	14	26	23	0	0	3	20	3	0	0	57
Pennsylvania --Western	52	58	50	5	2	1	53	1	0	1	89
Puerto Rico	4	21	16	0	0	5	15	0	0	1	34
Rhode Island	6	5	5	0	0	0	3	1	0	1	--
South Carolina	169	186	168	7	1	10	168	4	0	1	90
South Dakota	18	18	15	1	0	2	11	5	0	0	23
Tennessee --Eastern	93	94	84	1	2	7	85	0	0	0	78
Tennessee --Middle	61	58	48	1	0	9	48	1	0	0	74
Tennessee --Western	199	141	117	12	0	12	124	3	0	0	95
Texas --Eastern	61	89	81	4	0	4	83	1	0	0	68
Texas --Northern	72	80	71	3	0	6	73	0	0	0	77
Texas --Southern	127	121	113	4	0	4	112	1	0	3	53
Texas --Western	163	183	173	2	0	8	160	4	2	8	51
Utah	101	103	88	2	1	12	82	5	0	2	44
Vermont	16	21	21	0	0	0	16	1	1	3	65
Virgin Islands	10	7	4	1	0	2	5	0	0	0	--
Virginia--Eastern	97	80	72	3	0	5	69	3	1	2	63
Virginia--Western	25	35	33	0	0	2	32	1	0	0	81
Washington --Eastern	33	41	32	4	1	4	36	0	0	0	67
Washington --Western	33	25	22	0	0	3	19	1	0	0	48
West Virginia --Northern	31	32	31	0	0	1	27	3	0	0	54
West Virginia --Southern	28	27	25	0	0	2	25	0	0	0	101
Wisconsin --Eastern	45	45	35	4	1	5	38	1	0	0	50
Wisconsin --Western	22	18	15	2	0	1	16	0	0	0	69
Wyoming	12	35	33	0	0	2	29	1	2	1	58

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal year

-- Fewer than 10 defendants sentenced to prison, mean not shown

^aIncludes bench and jury trials

^bIncludes split sentences

Table 14. Federal weapons offenses, FY2006 - FY2008

	Percent Change			
	FY2007-FY2008	FY2008	FY 2007	FY 2006
Suspects in investigations initiated ¹	-1%	11,631	11,713	12,321
Suspects in investigations concluded ¹	-3%	11,744	12,118	12,887
Persons arrested and booked ²	-3%	8,426	8,657	9,023
Defendants charged in criminal cases ³	-4%	8,621	8,953	9,281
Defendants in criminal cases closed ³	-2%	8,992	9,193	9,685

Note: Weapons offenses include firearms and switchblade knife offenses, and statutes that provide for a sentence enhancement when a deadly weapon is used in a crime. A complete definition is found in the glossary of *Federal Justice Statistics, 2006*, http://www.ojp.usdoj.gov/bjs/pub/html/fjsst/2006/fjs06st_glossary.htm#W.

Citation: BJS' Federal Justice Statistics Program website (<http://fjsrc.urban.org>)

¹Source: Executive Office for U.S. Attorneys - EOUSA LIONS data system

²Source: U.S. Marshals Service - USMS Prisoner Tracking System (PTS)

³Source: Administrative Office of the U.S. Courts - AOUSC Criminal master data file