CLIENT ALERTS & INSIGHTS

New Sentencing Guidelines for Economic Crimes Effective November 1, 2026

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Featured Practices: Litigation, White Collar, Government Investigations & Regulatory Compliance, State Attorneys General Investigations & Enforcement

Key Takeaways

- The United States Sentencing Commission's new guidelines come into effect on November 1, 2026, and may result in shorter sentences for economic crimes, including fraud and embezzlement.
- The new guidelines account for inflation and adjust calculations of economic harm, while also shifting some focus beyond monetary loss to noneconomic injury to victims.

In March we reported on the U.S. Sentencing Commission's proposed amendments to the Federal Sentencing Guidelines (the "Guidelines").[1] (2026 Proposed Amendments To The Federal Sentencing Guidelines-Key Changes For Economic Crimes | Benesch, Friedlander, Coplan & Aronoff LLP.) On April 16, 2026, the bipartisan United States Sentencing Commission (the "Commission") voted unanimously to adopt that package of amendments, without modification.[2] The amendments will be submitted to Congress on May 1, 2026, and unless Congress rejects or modifies the amendments, they take effect on November 1, 2026. The changes to the Guidelines will not apply retroactively and will apply only to defendants sentenced on or after that date.[3]

The new amendments make three significant changes that can impact a white-collar criminal defendant's advisory sentencing range.

1. ***Simplified Monetary Loss Table***

   Under Section 2B1.1, which covers federal economic crimes such as fraud, theft, and embezzlement, the loss table contained 16 tiers of monetary loss.[4] The restructured loss table, which reflects the actual or intended financial loss caused by the offense, cuts the economic tiers in half and is less severe than its predecessor, which may lead to fewer offense level enhancements.

2. ***Holistic Considerations***

   Previously, the Guidelines focused solely on monetary loss. Now, noneconomic harm to victims, including emotional trauma and invasion of privacy, will be a possible offense level enhancement. At the same time, two new mitigating factors may decrease culpability. One factor allows a two-level decrease if the defendant committed the offense because of pressure from an employer, a close relationship, threats, or a personal vulnerability that made them more easily persuaded. The second factor provides a tiered decrease if, before learning of any investigation, the defendant stopped the misconduct, tried to return the money or property, or reported the offense to authorities.[5]

3. ***Inflation Adjustment***

   After 10 years without modification, the Commission adjusted for inflation across the Guidelines. While not an offense-specific change, this change aligns the Guidelines with modern economic conditions.

Should Congress adopt these amendments, white-collar defendants and companies subject to government investigations should stay informed on the status of the Guidelines and recognize how the amendments could impact their business moving forward. For instance, during the course of an investigation, non-economic hardship should be more carefully considered and should be assumed to play a more central role in financial criminal matters. Further, exposure analysis may shift with these amendments, so companies should be prepared to re-evaluate compliance programs and internal investigation protocols.

If you have questions regarding these new amendments, government investigations related thereto, or enforcement actions more generally, the White Collar, Government Investigations & Regulatory Compliance Practice Group at Benesch is here to help.

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[1] Marisa T. Darden, et al., *2026 Proposed Amendments to the Federal Sentencing Guidelines - Key Changes for Economic Crimes*, Benesch (Mar. 6, 2026), https://www.beneschlaw.com/insight/2026-proposed-amendments-to-the-federal-sentencing-guidelines-ke

[2] U.S. Sentencing Commission, *U.S. Sentencing Commission Adopts Package of Good Government Guideline Amendments to Simplify, Streamline Federal Sentencing* (April 16, 2026) https://www.ussc.gov/about/news/press-releases/april-16-2026.

[3] U.S. Sentencing Guidelines Manual §1B1.11 (U.S. Sentencing Commission 2023).

[4] U.S. Sentencing Guidelines Manual §2B1.1 (U.S. Sentencing Comm'n 2025), https://guidelines.ussc.gov/apex/r/ussc_apex/guidelinesapp/guidelines?app_gl_id=%C2%A72B1.1; Darden, *supra* note 1.

[5] Darden, *supra* note 1.