

# **ARKANSAS SENTENCING COMMISSION**



## **Sentencing Standards Grid Offense Seriousness Rankings and Related Material**

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December 5, 2001**

# ARKANSAS

## SENTENCING COMMISSION

### Sentencing Standards Grid, Offense Seriousness Rankings And Related Material



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**MISSION STATEMENT - *The purpose of the Arkansas Sentencing Commission is to establish sentencing standards and to monitor and assess the impact of practices, policies and existing laws on the correctional resources of the State.***

### Commission Membership

<u>Name</u>	<u>Classification</u>	<u>Judicial Circuit</u>
Alvin Bradley	Citizen Representative	(Fort Smith)
Wanda Ford	Citizen Representative	(Conway)
John Casteel	Prosecuting Attorney	Nineteenth (East)
David Clinger	Judge	Nineteenth (West)
John Fogleman	Judge	Second
William Howard	Public Defender	Second
Berlin Jones	Judge	Eleventh(West)
Michael Lamoureux	Public Defender	Fifth
Gordon Webb	Prosecuting Attorney	Fourteenth

### Advisory Members

Member of Senate Judiciary  
Member of House Judiciary

### Staff

Sandy Moll	Executive Director
Wanda Hayes	Research Coordinator
Billy Inman	Program Coordinator
Sally E. Allen	Administrator Assistant
Tanya Hammond	Executive Secretary



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## INTRODUCTION TO SENTENCING STANDARDS

Arkansas has joined a growing number of states and the federal government in adopting sentencing standards. Sentencing standards vary widely in purpose and application. The Arkansas standards defined in Acts 532 and 550 of 1993 serve the purposes of equity in sentencing, i.e. similar sentences for similar offenders with similar criminal histories and proportionality in sentencing by creating a balanced correctional system which reserves the most serious sanctions for the most serious offenders.

### **How the standards work.**

The sentencing standards structure adopted in Arkansas is a voluntary procedure for use by those directly involved in sentencing - judges, prosecutors and defense attorneys. The **Arkansas Sentencing Standards Grid** has been adopted by the Arkansas Sentencing Commission pursuant to legislative authority and the Administrative Procedures Act. See Section I. It is applicable to crimes which occur on or after January 1, 1994. A **presumptive sentence** for a **typical case** is determined on a grid with two dimensions: **offense seriousness** and **offender history**.

**Offense seriousness** is determined by reference to a table adopted by the Commission which lists all felony crimes in one of ten levels of seriousness. See Section II. **Offender history** is determined by reference to the statute, A.C.A. 16-90-803 which allocates points for different levels of felonies, misdemeanors, certain juvenile adjudications and custody status at the time that a crime was committed.

Determining the **presumptive sentence** for a particular offense is a starting point for the process. The presumptive sentence is not intended to be the sentence in a particular case unless in the judgment of the prosecutor and the defense attorney and/or the judge, the offense represents a **typical case** based upon their experience and knowledge. If the case is non-typical, the procedure is defined for departing from the presumption. ***The full statutory range of punishment is available for all cases.***

Departure criteria and procedures are defined in the Code and the only requirement imposed for a departure from the presumptive sentence is that written reasons be given. A Departure Form is provided by the Commission which lists statutory **aggravating factors** and **mitigating factors** and a space for other reasons. See Section III. Departure criteria are not limited to those listed in the legislation.

Act 1179 of 2001 clarifies that sentencing guidelines do not apply to probation revocation proceedings. This legislation was enacted in response to the Arkansas Supreme Court's decision in *Martin v. State*, 337 Ark. 451, 989 SW2d 908 (1999), finding that the guidelines did apply. Thus, departure reports are not required in revocation proceedings.

## Sentencing Standards

Identical Acts 532 and 550 of 1993 created the Arkansas Sentencing Commission and authorized the creation of the Sentencing Standards Grid and Seriousness Rankings. These acts are codified as follows:

- 16-90-801 Statement of sentencing policy
  - (a) Purposes of Sentencing
  - (b) Purpose of Sentencing Standards
  - (c) Appropriate Use of Sentencing Sanctions
- 16-90-802 The Arkansas Sentencing Commission
  - (a) Purpose of Commission
  - (b) Composition
  - (c) Terms
  - (d) Powers and duties
  - (e) Meetings and reports
  - (f) Executive director
  - (g) Staff and services
- 16-90-803 Voluntary presumptive standards
  - (a) Applicability
  - (b) Offense seriousness and Offender History
- 16-90-804 Departures from the standards
  - (a) Deviation range
  - (b) Procedures
  - (c) Report requirement
  - (d) Departure reasons
  - (e) Non-applicability to jury trials

# Grid

**ARKANSAS SENTENCING STANDARDS GRID**  
 Effective Date - January 1, 1994, for Crimes Committed January 1, 1994 and thereafter

**Criminal History Score**

<b>Offense Seriousness</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5+</b>
<b>10**</b>	<b>PEN 360</b>	<b>PEN 384</b>	<b>PEN 432</b>	<b>PEN 528</b>	<b>PEN 660</b>	<b>PEN 780</b>
<b>9**</b>	<b>PEN 240</b>	<b>PEN 312</b>	<b>PEN 396</b>	<b>PEN 480</b>	<b>PEN 600</b>	<b>PEN 720</b>
<b>8**<sup>1</sup></b>	<b>PEN 120</b>	<b>PEN 168</b>	<b>PEN 264</b>	<b>PEN 360</b>	<b>PEN 432</b>	<b>PEN 600</b>
<b>7<sup>1</sup></b>	<b>PEN 42</b> <b>AS</b>	<b>PEN 54</b> <b>AS</b>	<b>PEN 84</b> <b>AS</b>	<b>PEN 120</b>	<b>PEN 160</b>	<b>PEN 300</b>
<b>6<sup>2</sup></b>	<b>PEN 24</b> <b>RPF</b> <b>AS</b>	<b>PEN 42</b> <b>RPF</b> <b>AS</b>	<b>PEN 66</b> <b>RPF</b> <b>AS</b>	<b>PEN 108</b> <b>RPF</b> <b>AS</b>	<b>PEN 156</b>	<b>PEN 240</b>
<b>5</b>	<b>RPF*</b> <b>AS</b>	<b>PEN 36</b> <b>RPF*</b> <b>AS</b>	<b>PEN 54</b> <b>RPF*</b> <b>AS</b>	<b>PEN 72</b> <b>RPF*</b> <b>AS</b>	<b>PEN 120</b>	<b>PEN 180</b>
<b>4</b>	<b>RPF*</b> <b>AS</b>	<b>PEN 18</b> <b>RPF*</b> <b>AS</b>	<b>PEN 30</b> <b>RPF*</b> <b>AS</b>	<b>PEN 54</b> <b>RPF*</b> <b>AS</b>	<b>PEN 72</b> <b>RPF*</b> <b>AS</b>	<b>PEN 96</b>
<b>3</b>	<b>RPF*</b> <b>AS</b>	<b>RPF*</b> <b>AS</b>	<b>PEN 18</b> <b>RPF*</b> <b>AS</b>	<b>PEN 30</b> <b>RPF*</b> <b>AS</b>	<b>PEN 42</b> <b>RPF*</b> <b>AS</b>	<b>PEN 60</b> <b>RPF*</b> <b>AS</b>
<b>2</b>	<b>RPF*</b> <b>AS</b>	<b>RPF*</b> <b>AS</b>	<b>RPF*</b> <b>AS</b>	<b>PEN 18</b> <b>RPF*</b> <b>AS</b>	<b>PEN 24</b> <b>RPF*</b> <b>AS</b>	<b>PEN 42</b> <b>RPF*</b> <b>AS</b>
<b>1</b>	<b>AS</b>	<b>AS</b>	<b>AS</b>	<b>PEN 9</b> <b>RPF*</b> <b>AS</b>	<b>PEN 24</b> <b>RPF*</b> <b>AS</b>	<b>PEN 30</b> <b>RPF*</b> <b>AS</b>

**ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED TO THE ARKANSAS DEPARTMENT OF CORRECTION**

**PEN = Penitentiary Only RPF = Regional Punishment Facility AS = Alternative Sanctions**  
 (See Attached Definitions) (Please note: mitigated departure reports are not necessary when RPF and AS are available - shaded area on the grid.)

**RPF\* See Regional Punishment Facility Policy Statement**

**— = Transfer Eligibility Line - Eligibility on sentences above the line is 1/2 of the sentence minus good time; eligibility on sentences below the line is 1/3 of the sentence minus good time.**

**\*\*Check applicability of Act 1326 of 1995 for release eligibility of crimes at these levels.**

**<sup>1</sup>See Act 1135 of 1997. <sup>2</sup>See Act 1268 of 1999.**



**ARKANSAS SENTENCING STANDARDS GRID  
POLICY STATEMENTS**

**Regional Punishment Facilities**

Only defendants who have been found guilty of a "targeted" crime are eligible to be sentenced to a Regional Punishment Facility. Sentences to a Regional Punishment Facility should only be utilized for those who the Court would otherwise sentence to the Department of Correction. The Sentencing Commission strongly encourages local courts to utilize the services of the Regional Punishment Facilities in lieu of penitentiary time in appropriate cases.

**Felony DWI**

Current law provides a minimum of one (1) year of community service as the only alternative sanction available for DWI (felony). Incarceration sentences must be a minimum of a one (1) year (12 months) commitment to the Arkansas Department of Correction. No departure form is required.

**Minimum Sentences**

The Commission recognizes that the presumptive sentences recommended in some cells of the grid may fall below the minimum sentence to imprisonment for the classification of an offense, (Pursuant to A.C.A. 5-4-104). A court may sentence a defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment up to or over the minimum sentence.

**Definitions**

**PEN - Commitment to the Arkansas Department of Correction .**

**RPF - Regional Punishment Facilities - multipurpose facilities encompassing security, punishment and services such that offenders can be housed therein when necessary but can also be assigned to or access punishment programs and services which are housed there, included therein are revocation centers, restitution centers, work release centers, Community Correction centers.**

**AS - Alternative Sanctions - includes (1) probation, both supervised and unsupervised; (2) suspended imposition of sentence; (3) work on service programs coupled with or without (1) or (2) above; (4) local jail time up to the maximum authorized by law as a condition of (1) or (2) above; (5) Community Correction programs as defined and provided by the Board of Corrections or by local courts as conditions of (1) or (2) above.**

**ARKANSAS SENTENCING STANDARDS GRID BY LEVELS  
WITH RANGES AND RELEVANT INFORMATION**

**SERIOUSNESS LEVEL 10  
Effective date January 1, 1994**

<b>Criminal History Score</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5+</b>
<b>Presumptive Sentence</b>	<b>PEN 360</b>	<b>PEN 384</b>	<b>PEN 432</b>	<b>PEN 528</b>	<b>PEN 660</b>	<b>PEN 780</b>
<b>Minimum Time Served Prior to Release per Act 1326 of 1995</b>	<b>PEN 252</b>	<b>PEN 268</b>	<b>PEN 302.40</b>	<b>PEN 369.60</b>	<b>PEN 462</b>	<b>PEN 546</b>
<b>Minimum Time Served Prior to Transfer Eligibility*</b>	<b>PEN 90</b>	<b>PEN 96</b>	<b>PEN 108</b>	<b>PEN 132</b>	<b>PEN 165</b>	<b>PEN 195</b>
<b>Presumptive Range</b>	<b>PEN 342-378</b>	<b>PEN 364.80- 403.20</b>	<b>PEN 410.40- 453.60</b>	<b>PEN 501.60- 554.40</b>	<b>PEN 627-693</b>	<b>PEN 741-819</b>

**PEN = Penitentiary Only**

**ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED**

**Act 1326 of 1995 Crime:**

**Level 10 offense - Murder I**

**Release Eligibility - seventy percent (70%) of time imposed per Act 1326 of 1995 with no credit for good time.**

**\* Eligibility for transfer under the one-half minus good time is only applicable to juveniles under Act 1192 of 1999 (the Extended Juvenile Jurisdiction Act), or following a discretionary judicial finding that a minor charged as an adult was an accomplice. See Act 717 of 1999 (A.C.A. 16-93-611).**

**Classification of crimes at this level and statutory range:**

<u>Class</u>	<u>Normal range</u>	<u>Habitual</u> <u>§(a)</u>	<u>Habitual</u> <u>§(b)</u>	<u>Habitual</u> <u>§(c)</u>	<u>Habitual</u> <u>§(d)</u>
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life

**SERIOUSNESS LEVEL 9**  
**Effective January 1, 1994**

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 240	PEN 312	PEN 396	PEN 480	PEN 600	PEN 720
Minimum Time Served Prior to Release per Act 1326 of 1995	PEN 168	PEN 218.40	PEN 277.20	PEN 336	PEN 420	PEN 504
Minimum Time Served Prior to Transfer Eligibility	PEN 60	PEN 78	PEN 99	PEN 120	PEN 150	PEN 180
Presumptive Range	PEN 228-252	PEN 296.40- 327.60	PEN 376.20- 415.80	PEN 456-504	PEN 570-630	PEN 684-756

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1326 of 1995 Crimes:

5 14 103                    Y        Rape  
5 38 202                    Y        Causing a Catastrophe

Release Eligibility - seventy percent (70%) of time imposed per Act 1326 of 1995 with no credit for good time.

Other Level 9 offenses:

5 10 101                    Y        Capital Murder - Attempt/Conspiracy/Solicitation  
5 13 210                    Y        Introduction of C/S into Body to Commit Sexual Offense  
5 64 414                    Y        Continuing Criminal Enterprise  
5 74 107                    Y        Discharge of a Firearm From Car (First Degree)  
5 74 108                    Y        Violent Group Activity, Enhanced

Transfer Eligibility - one half of time imposed minus good time of up to one half, i.e. one fourth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life

**SERIOUSNESS LEVEL 8**  
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 120	PEN 168	PEN 264	PEN 360	PEN 432	PEN 600
Minimum Time Served Prior to Release per Act 1326 of 1995 and Act 1135 of 1997	PEN 84	PEN 117.60	PEN 184.80	PEN 252	PEN 302.40	PEN 420
Minimum Time Served Prior to Transfer Eligibility	PEN 30	PEN 42	PEN 66	PEN 90	PEN 108	PEN 150
Presumptive Range	PEN 114-126	PEN 159.60-176.40	PEN 250.80-277.20	PEN 342-378	PEN 401.40-453.60	PEN 570-630

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1326 of 1995 Crimes:

5 11 102 Y

Kidnapping

5 12 103 Y

Aggravated Robbery

Act 1135 of 1997 (A.C.A. 16-93-611(a))

5-64-401 Y

Manufacture

Methamphetamine

Release Eligibility - seventy percent (70%) of time imposed with no credit for good time.

Other Level 8 offenses(list not complete, see table for additional offenses):

5 10 103	B	Murder II
5 13 201	B	Battery I
5 13 310	Y	Terroristic Act
5 26 301	B	Wife Battering I
5 38 301	Y	Arson (More Than \$100,000 Damage)
5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II >200 gms <400 gms
5 64 401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II >400 gms
5 64 406	Y	Distribution of Controlled Substance to a Minor
5 73 211	U	Perpetrating Crime with Machine Gun [See statute for penalty range]
5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (First Degree)
5 74 106	Y	Simultaneous Possession of Drugs and Firearms
5 74 108	A	Violent Group Activity, Enhanced

Transfer Eligibility - one half of time imposed minus good time of up to one half, i.e. one fourth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life
A	6-30	6-50	6-60	n/a	40-life
B	5-20	5-30	5-40	40-80 or life	30-60

**SERIOUSNESS LEVEL 7**  
**Effective Date January 1, 1994**

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 42 AS	PEN 54 AS	PEN 84 AS	PEN 120	PEN 160	PEN 300
Minimum Time Served Prior to Transfer per Act 1135 of 1997	PEN 29.40	PEN 37.80	PEN 58.80	PEN 84	PEN 112	PEN 210
Minimum Time Served Prior to Transfer Eligibility	PEN 10.5	PEN 13.5	PEN 21	PEN 30	PEN 40	PEN 75
Presumptive Range	PEN 39.90 - 44.10	PEN 51.30 - 56.70	PEN 79.80 - 88.20	PEN 114-126	PEN 152-168	PEN 285-315

AS = Alternative Sanctions

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1135 of 1997 crime

5-64-401 Y Manufacture Methamphetamine

Release Eligibility - seventy percent (70%) of time imposed with no credit for good time.

Other Level 7 offenses (list not complete, see table for additional offenses):

5 12 102	B	Robbery
5 13 210	Y	Intro C/S into Body (Schedule I-II)
5 14 123	A	Knowingly Exposing Another to HIV
5 14 124	A	Sexual Assault, First Degree
5 38 301	A	Arson (\$20,001 - \$100,000 Damage)
5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms
5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms
5 64 402	B	Failure to Keep Records-Drug Free Zone
5 73 204	U	Violation Uniform Machine Gun Act [See statute for penalty range]
5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (First Degree)
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise (Second Degree)
5 74 107	B	Discharge of a Firearm From Car (Second Degree)
5 74 108	B	Violent Group Activity, Enhanced

Transfer Eligibility - one half of time imposed minus good time of up to one half, i.e. one fourth of time imposed if offender earns maximum good time.

Classification of crimes at this level and statutory range:

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life
A	6-30	6-50	6-60	n/a	40-life
B	5-20	5-30	5-40	40-80 or life	30-60

**SERIOUSNESS LEVEL 6**  
**Effective date January 1, 1994**

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 24 RPF* AS	PEN 42 RPF* AS	PEN 66 RPF* AS	PEN 108 RPF* AS	PEN 156	PEN 240
Minimum Time Served Prior to Transfer per Act 1268 of 1999	PEN 16.80	PEN 29.40	PEN 46.20	PEN 75.60	PEN 109.20	PEN 168
Minimum Time Served Prior to Transfer Eligibility	PEN 4	PEN 7	PEN 11	PEN 18	PEN 26	PEN 40
Presumptive Range	PEN 22.80- 25.20	PEN 39.90- 44.40	PEN 62.70- 69.30	PEN 102.60- 113.40	PEN 148.20- 163.80	PEN 228-252

AS = Alternative Sanctions, RPF = Regional Punishment Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1268 of 1999 Crime

5-64-403

B

Use of Paraphernalia to Manufacture Methamphetamine

Release Eligibility - seventy percent (70%) of time imposed with no credit for good time.

Level 6 offenses (list not complete, see table for additional offenses):

Target Offenses underlined - see grid policy on use of regional punishment facilities

5 10 104	C	Manslaughter
5 11 102	B	Kidnapping
5 14 125	B	Sexual Assault, Second Degree
5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense)
5 27 402	B	Employ/Authorize Child <17 Sexual Performance -(Subsequent Offense)
5 27 403	B	Produce/Direct Sexual Performance Child <17
5 28 103	B	Abuse of Adults
5 39 201	B	<u>Burglary - Residential</u>
5 51 201	A	Treason
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent - Schedule I - II
5 64 401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms
5 71 229	B	Stalking First Degree
5 74 104	B	Engaging in Continuing Gang Organize or Enterprise (First Degree)
5 74 104	A	Engaging in Continuing Gang Organize or Enterprise (Second Degree)

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
A	6-30	6-50	6-60	n/a	40-life
B	5-20	5-30	5-40	40-80 or life	30-60
C	3-10	3-20	3-30	n/a	25-40

**ARKANSAS SENTENCING STANDARDS GRID  
SERIOUSNESS LEVEL 5  
Effective January 1, 1994**

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	PEN 36 RPF* AS	PEN 54 RPF* AS	PEN 72 RPF* AS	PEN 120 RPF* AS	PEN 180
Minimum Time Served Prior to Transfer Eligibility		PEN 6	PEN 9	PEN 12	PEN 20	PEN 30
Presumptive Range		PEN 34.20- 37.80	PEN 51.30- 56.70	PEN 68.40- 75.60	PEN 114-126	PEN 171-189

AS = Alternative Sanctions, RPF = Regional Punishment Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 5 offenses (list not complete, see table for additional offenses)

Target Offenses underlined - see grid policy on use of regional punishment facilities

5 27 605	C	Computer Exploitation of a Child - First Degree
5 36 103	B	<u>Theft of Property</u>
5 36 104	B	<u>Theft of Services</u>
5 36 106	B	<u>Theft by Receiving</u>
5 37 201	B	<u>Forgery I</u>
5 37 302	B	<u>Hot Check/Personal Services (Over \$2500)</u>
5 38 301	B	Arson (Less Than \$20,000 Damage)
5 39 201	C	<u>Burglary - Commercial</u>
5 54 105	B	<u>Hindering Apprehension or Prosecution</u>
5 54 120	C	<u>Failure to Appear</u>

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
B	5-20	5-30	5-40	40-80 or life	30-60
C	3-10	3-20	3-30	n/a	25-40

**SERIOUSNESS LEVEL 4**  
**Effective date January 1, 1994**

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	PEN 18 RPF* AS	PEN 30 RPF* AS	PEN 54 RPF* AS	PEN 72 RPF* AS	PEN 96
Minimum Time Served Prior to Transfer Eligibility		PEN 3	PEN 5	PEN 9	PEN 12	PEN 16
Presumptive Range		PEN 17.10-18.90	PEN 28.50-31.50	PEN 51.30-56.70	PEN 68.40-75.60	PEN 91.20-100.80

AS = Alternative Sanctions, RPF = Regional Punishment Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 4 offenses (list not complete, see table for additional offenses)

Target Offenses underlined - see grid policy on use of regional punishment facilities

5 10 105	C	Negligent Homicide
5 10 105	D	Negligent Homicide
5 11 103	C	False Imprisonment I
5 13 202	D	Battery II
5 14 105	D	Carnal Abuse II
5 14 126	C	Sexual Assault, Third Degree
5 53 102	C	<u>Perjury</u>
5 54 110	C	<u>Escape I</u>
5 64 401.4	C	<u>Possession of Controlled Substance Schedule I/II</u>
5 64 401.5	C	<u>Manufacture/Delivery/Possession Marijuana &gt; 10 lbs &lt; 100 lbs</u>

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	<u>Habitual</u> §(a)	<u>Habitual</u> §(b)	<u>Habitual</u> §(c)	<u>Habitual</u> §(d)
C	3-10	3-20	3-30	n/a	25-40
D	0- 6	0-12	0-15	n/a	20-40



**SERIOUSNESS LEVEL 3**  
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	RPF* AS	PEN 18 RPF* AS	PEN 30 RPF* AS	PEN 42 RPF* AS	PEN 60 RPF* AS
Minimum Time Served Prior to Transfer Eligibility			PEN 3	PEN 5	PEN 7	PEN 10
Presumptive Range			PEN 17.10- 18.90	PEN 28.50- 31.50	PEN 39.90- 44.10	PEN 57-63

AS = Alternative Sanctions, RPF = Regional Punishment Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 3 offenses (list not complete, see table for other offenses)

Target Offenses underlined - see grid policy on use of regional punishment facilities

5 13 204	D	Aggravated Assault
5 26 401	D	<u>Non-Support</u>
5 36 103	C	<u>Theft of Property</u>
5 36 104	C	<u>Theft of Services</u>
5 36 106	C	<u>Theft by Receiving</u>
5 36 115	C	<u>Theft of Leased/Rented Property</u>
5 37 201	C	<u>Forgery II</u>
5 37 207	C	<u>Fraudulent Use of a Credit Card</u>
5 37 302	C	<u>Hot Check/Personal Services</u> <u>(\$200 - \$2500)</u>
5 38 203	C	<u>Criminal Mischief I</u>
5 39 202	D	<u>Breaking or Entering</u>
5 64 401	C	<u>Possession Control/Counterfeit Subst W/O Prescription (Third Offense)</u>
5 64 401.7	C	<u>Manufacture/Delivery/Possession</u> <u>Marijuana &lt; 10 lbs</u>
5 65 103	U	<u>DWI, Violation of Omnibus Act</u> [See statute for penalty range] <u>(Fourth Offense)</u> [RPF by judicial transfer only]

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
C	3-10	3-20	3-30	n/a	25-40
D	0- 6	0-12	0-15	n/a	20-40

**SERIOUSNESS LEVEL 2**  
**Effective date January 1, 1994**

<b>Criminal History Score</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5+</b>
<b>Presumptive Sentence</b>	<b>RPF* AS</b>	<b>RPF* AS</b>	<b>RPF* AS</b>	<b>PEN 18 RPF* AS</b>	<b>PEN 24 RPF* AS</b>	<b>PEN 42 RPF* AS</b>
<b>Minimum Time Served Prior to Transfer Eligibility</b>				<b>PEN 3</b>	<b>PEN 4</b>	<b>PEN 7</b>
<b>Presumptive Range</b>				<b>PEN 17.10- 18.90</b>	<b>PEN 22.80- 25.20</b>	<b>PEN 39.90- 44.10</b>

AS = Alternative Sanctions, RPF = Regional Punishment Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 2 offenses (list not complete, see table for other offenses):

Target Offenses underlined - see grid policy on use of regional punishment facilities

5 13 301	D	Terroristic Threatening I
5 38 204	D	<u>Criminal Mischief II</u>
5 41 206	D	<u>Computer Password Disclosure</u>
5 54 111	D	Escape II
5 73 103	D	<u>Possession Firearm by Certain Persons</u>
27 53 101	D	Failure to Stop After Accident With Injury or Death

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

<u>Class</u>	<u>Normal range</u>	<u>Habitual</u>	<u>Habitual</u>	<u>Habitual</u>	<u>Habitual</u>
		<u>§(a)</u>	<u>§(b)</u>	<u>§(c)</u>	<u>§(d)</u>
D	0- 6	0-12	0-15	n/a	20-40

**SERIOUSNESS LEVEL 1**  
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	AS	AS	AS	PEN 9 RPF* AS	PEN 24 RPF* AS	PEN 30 RPF* AS
Minimum Time Served Prior to Transfer Eligibility				PEN 1.50	PEN 4	PEN 5
Presumptive Range				PEN 8.55- 9.45	PEN 22.80- 25.20	PEN 28.50- 31.50

AS = Alternative Sanctions, RPF = Regional Punishment Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 1 offenses (not all offenses listed, see table for other offenses):

Target Offenses underlined - see grid policy on use of regional punishment facilities

5 37 203	D	<u>Defrauding Secured Creditors</u>	
5 37 211	D	<u>Defrauding Judgment Creditors</u>	
5 37 525	D	<u>Defrauding Material Man &gt; \$5000</u>	
5 41 103	D	<u>Computer Fraud</u>	
5 56 102	D	<u>Illegal Use of Food Coupons</u>	
5 56 103	D	<u>Illegal Presentation of Food Coupons</u>	
5 66 103	U	Keeping a Gambling House	[See statute for penalty range]

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range:

Class	Normal range	<u>Habitual</u> §(a)	<u>Habitual</u> §(b)	<u>Habitual</u> §(c)	<u>Habitual</u> §(d)
D	0- 6	0-12	0-15	n/a	20-40

# **Seriousness Rankings**

**SHORT TABLE OF COMMON CRIMES**

+ Target offense                    \*Possible target offense

Target designations are made to be helpful - refer to Acts 531 of 1993 and 577 of 1995 for legal definitions.

#Serve 70% - see Act 1326 of 1995 ##Manufacturing methamphetamine will serve 70% See Act 1135 of 1997

[2,3] "Two and three strikes" law applicable, see A.C.A.5-4-501.

<b>Statute #</b>	<b>Class</b>	<b>Name of Crime</b>		<b>Ranking</b>
# 5 10 102	Y	Murder I	[2,3]	10
5 10 103	B	Murder II	[2,3]	8
5 10 104	C	Manslaughter		6
5 10 105	C	Negligent Homicide		4@
5 10 105	D	Negligent Homicide		4@
# 5 11 102	Y	Kidnapping	[2,3]	8
5 12 102	B	Robbery		7
# 5 12 103	Y	Aggravated Robbery	[2,3]	8
5 13 201	B	Battery I	[3]	8
5 26 303	B	Domestic Battering I	[3]	8@
5 13 202	D	Battery II		4
5 13 204	D	Aggravated Assault		3
5 13 301	D	Terroristic Threatening I		2
5 13 310	Y	Terroristic Act	[3]	8
# 5 14 103	Y	Rape	[2,3]	9
5 14 104	A	Carnal Abuse I		6@
5 14 108	C	Sexual Abuse I	[3]	5@
5 14 120	C	Violation of a Minor I	[3]	4@
+ 5 36 103	B	Theft of Property		5
+ 5 36 103	C	Theft of Property		3
+ 5 36 106	B	Theft by Receiving		5
+ 5 36 106	C	Theft by Receiving		3
+ 5 37 201	C	Forgery II		3
+ 5 37 302	B	Hot Check/Personal Services(> \$2,500)		5
+ 5 37 302	C	Hot Check/Personal Services(>\$200-<\$2,500)		3
+ 5 38 203	C	Criminal Mischief I		3
5 38 301	B	Arson (< \$20,000 Damage)		5
* 5 39 201	B	Burglary - Residential		6@
+ 5 39 201	C	Burglary - Commercial		5
+ 5 39 202	D	Breaking or Entering		3
+ 5 54 120	C	Failure to Appear		5
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent - Schedule I - II		6
+ 5 64 401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V <200 gms		3
## 5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms		7
+ 5 64 403	C	Delivery/Possession/Manufacture, Etc Drugs		3
+ 5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)		3
5 73 103	B	Possession Firearm by Certain Persons		5@
+ 5 73 103	D	Possession Firearm by Certain Persons		2@

@ See complete table listing for effective offense dates.

**OFFENSE SERIOUSNESS RANKING TABLE**  
**FOR ALL CRIMINAL OFFENSES**  
**(IN STATUTORY NUMERICAL ORDER)**

+ Target offense            \*Possible target offense  
Target designations are made to be helpful - refer to Acts 531 of 1993 and 577 of 1995 for legal definitions.  
#Serve 70% - see Act 1326 of 1995 ##Manufacturing methamphetamine will serve 70% See Act 1135 of 1997

<b><u>Statute #</u></b>	<b><u>Class</u></b>	<b><u>Name of Crime</u></b>	<b><u>Ranking</u></b>
+ 2 17 204	D	Violation of Grain Warehouse	1
3 3 202	U	Alcoholic Beverage to Minor (Second Offense)	3
+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
+ 3 3 202	C	Sale of Alcoholic Beverage to Minor (New, Second Offense W/I 5 year)	3
+ 3 3 402	D	Illicit Still	1
+ 3 8 312	U	Alcoholic Beverage Sale/Possession Trade in Dry County	1
4 90 201	U	Odometer Fraud (Offense date - July 28, 1995 and thereafter)	2
5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation	9
# 5 10 102	Y	Murder I	10
5 10 103	B	Murder II	8
5 10 104	C	Manslaughter	6
5 10 105	C	Negligent Homicide (Offense date - July 30, 1999 and thereafter)	4
5 10 105	D	Negligent Homicide (Offense date - Prior to July 30, 1999)	4
5 10 106	C	Physician-assisted suicide (Offense date - July 30, 1999 and thereafter)	5
# 5 11 102	Y	Kidnapping	8
5 11 102	B	Kidnapping	6
5 11 103	C	False Imprisonment I	4
5 11 105	B	Aircraft Piracy	5
5 11 105	C	Vehicular Piracy	4
5 11 106	B	Permanent Detention	5
5 11 106	D	Permanent Detention	3
5 12 102	B	Robbery	7
# 5 12 103	Y	Aggravated Robbery	8
5 13 201	B	Battery I	8
5 13 202	D	Battery II	4
5 13 204	D	Aggravated Assault	3
5 13 210	Y	Intro C/S into Body (Schedule I-II)	7
5 13 210	Y	Intro C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and after)	9
5 13 210	B	Intro C/S into Body (Schedule I-III)	5
5 13 210	C	Intro C/S into Body (Schedule IV-V)	3
5 13 211	D	Aggravated Assault of Corrections Officer	3

		(Offense date - August 1, 1997 and thereafter)	
	5 13 301	D Terroristic Threatening I	2
	5 13 310	Y Terroristic Act	8
	5 13 310	B Terroristic Act	5
#	5 14 103	Y Rape	9
	5 14 104	A Carnal Abuse I	6
		(Offense date - on or after July 28, 1995 and prior to August 13, 2001)	
	5 14 104	B Carnal Abuse I	5
		(Offense date - prior to July 28, 1995)	
	5 14 105	C Carnal Abuse II	5
		(Offense date - on or after July 28, 1995 and prior to August 13, 2001)	
	5 14 105	D Carnal Abuse II	4
		(Offense date - prior to July 28, 1995)	
	5 14 106	D Carnal Abuse III	3
		(Offense date - on or after July 28, 1995 and prior to August 13, 2001)	
	5 14 108	C Sexual Abuse I	5
		(Offense date - prior to August 13, 2001)	
	5 14 110	D Sexual Indecency with a Child	3
		(Offense date - August 13, 2001 and thereafter)	
	5 14 110	D Sexual Solicitation of a Child	3
		(Offense date - July 28, 1995 and thereafter)	
	5 14 112	D Indecent Exposure, (Second and Subsequent Offense	2
		(Offense date - August 13, 2001 and thereafter)	
	5 14 112	D Indecent Exposure to Age 12 and under	2
		(Offense date - August 1, 1997 and thereafter)	
	5 14 120	C Violation of a Minor I	4
		(Offense date - prior to August 13, 2001)	
	5 14 121	D Violation of a Minor II	3
		(Offense date - prior to August 13, 2001)	
	5 14 123	A Knowingly Exposing Another to HIV	7
		(Offense date - August 13, 2001 and thereafter)	
	5 14 123	A Knowingly Exposing Another to HIV	6
		(Offense date - Prior to August 13, 2001)	
	5 14 124	A Sexual Assault, First Degree	7
		(Offense date - August 13, 2001 and thereafter)	
	5 14 125	B Sexual Assault, Second Degree	6
		(Offense date - August 13, 2001 and thereafter)	
	5 14 126	C Sexual Assault, Third Degree	4
		(Offense date - August 13, 2001 and thereafter)	
+	5 15 102	U Slander-Adultery/Fornication	1
+	5 15 103	U Slander-False Swearing	1
+	5 15 104	U Slander-Proclaiming One as a Coward	1
+	5 15 105	U Slander	1
*	5 16 101	D Video Voyeurism	3
		(Offense date - July 30, 1999 and thereafter)	
	5 17 101	D Death Threat Concerning School Employee Or Student	3
		(Offense date - August 13, 2001 and thereafter)	
	5 26 202	A Incest when victim <16	6
		(Offense date - August 1, 1997 and thereafter)	

5 26 202	C	Incest	5
5 26 203	D	Concealing Birth (Offense date- August 13, 2001 and thereafter)	2
5 26 301	B	Wife Battering I (Offense date - prior to July 28, 1995)	8
5 26 302	D	Wife Battering II (Offense date - prior to July 28, 1995)	4
5 26 303	A	Domestic Battering I (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	8
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 26 304	B	Domestic Battering II (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	5
5 26 304	C	Domestic Battering II (Offense date - July 30, 1999 and thereafter)	4
5 26 304	D	Aggravated Assault on Wife I (Offense date - prior to July 28, 1995)	3
5 26 304	D	Domestic Battering II (Offense date - July 28, 1995 and thereafter)	4
5 26 305	D	Domestic Battering III (Second Offense) (Offense date - July 28, 1995 and after)	3
5 26 305	D	Domestic Battering III (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
5 26 306	D	Aggravated Assault on Family/Household Member (Offense date - July 28,1995 and thereafter)	3
+ 5 26 401	B	Non-Support if owe >\$25,000 (Offense date - August 1, 1997 and thereafter)	4
+ 5 26 401	C	Non-Support if owe >\$10,000 but <\$25,000 (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support if owe > \$2,500, it at least four months of support (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support (Offense date - Prior to July 30, 1999)	3
+ 5 26 501	D	Interference with Visitation	2
+ 5 26 502	C	Interference with Custody (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 502	D	Interference with Custody (Offense date - prior to July 28, 1995)	3
+ 5 26 502	D	Interference with Court Ordered Custody (Offense date - July 28, 1995 and thereafter)	3
5 27 201	D	Endangering Welfare of Incompetent I	3
5 27 203	D	Endangering Welfare of a Minor I	3
5 27 221	B	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	6
5 27 221	C	Permitting Child Abuse	5
5 27 221	D	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	4
+ 5 27 229	D	Soliciting Money/Property from Incompt	3
5 27 303	C	Engaging Child in Sex Explicit (First Offense)	5



5 27 303	B	Engaging Child in Sex Explicit - Subsequent Offense	6
5 27 304	C	Transportation/Distribution of Material Depicting Child (First Offense)	4

5 27 304	B	Transportation/Distribution of Material Depicting Child (Subsequent Offense)	5
5 27 305	C	Transportation of a Minor for Prohibited Conduct	5
5 27 402	C	Employ/Authorize Child <17 Sexual Performance (First Offense)	5
5 27 402	B	Employ/Authorize Child <17 Sexual Performance (Subsequent Offense)	6
5 27 403	B	Produce/Direct Sexual Performance Child <17	6
5 27 502	B	Fraud ID Unlawful to Manufacture (Second Offense)	4
+ 5 27 502	C	Fraud ID Unlawful to Manufacture (First Offense)	3
5 27 602	B	Distributing, Possessing or Viewing Matter Depict Conduct Involve 6 Child, (Second or Subq. Offense) (Offense date - August 13, 2001 and thereafter)	6
5 27 602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve 4 Child (Offense date - August 13, 2001 and thereafter)	4
5 27 603	B	Computer Child Pornography (Offense date - August 13, 2001 and thereafter)	6
5 27 605	B	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - August 13, 2001 and thereafter)	7
5 27 605	C	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - August 13, 2001 and thereafter)	5
5 27 605	D	Computer Exploitation of a Child - Second Degree (Offense date - August 13, 2001 and thereafter)	4
5 28 103	B	Abuse of Adults	6
5 28 103	C	Abuse of Adults	5
5 28 103	D	Abuse of Adults	4
+ 5 28 216	D	Making False Notification of Adult Abuse (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 5 36 103	B	Theft of Property	5
+ 5 36 103	C	Theft of Property (Offense date - prior to July 28, 1995)	3
+ 5 36 103	C	Theft of Property >\$500 (Offense date - July 28, 1995 and thereafter)	3
+ 5 36 103	D	Theft of Property	2
+ 5 36 103	D	Theft of Property During a Period of Emergency (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 103	D	Theft of Property During a Criminal Episode (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 104	B	Theft of Services	5
+ 5 36 104	C	Theft of Services	3
+ 5 36 105	D	Theft of Property Lost/Mislaid/Delivered by Mistake	2
+ 5 36 106	B	Theft by Receiving	5
+ 5 36 106	C	Theft by Receiving	3
+ 5 36 115	B	Theft of Leased/Rented Property	4
+ 5 36 115	C	Theft of Leased/Rented Property	3
+ 5 36 115	D	Theft of Leased/Rented Property	2
+ 5 36 202	B	Theft of Public Benefits >\$2,500	5
+ 5 36 202	C	Theft of Public Benefits >\$200 <\$2,500	3



+ 5 36 303	B	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 303	C	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	3
+ 5 36 304	B	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 304	C	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	3
+ 5 36 401	D	Unlawful Use of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 402	D	Unlawful Possession of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 403	D	Unlawful Possession of Theft Detection Device Remover (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 404	D	Unlawful Removal of Theft Detection Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 37 201	B	Forgery I	5
+ 5 37 201	C	Forgery II	3
+ 5 37 203	D	Defrauding Secured Creditors	1
+ 5 37 204	D	Fraud in Insolvency	1
+ 5 37 207	C	Fraudulent Use of a Credit Card	3
+ 5 37 208	D	Criminal Impersonation I (Offense date - August 1, 1997 and thereafter)	2
+ 5 37 209	C	Possession of Forgery Device	3
+ 5 37 210	D	Obtaining Signature by Deception	1
+ 5 37 211	D	Defrauding Judgment Creditors	1
+ 5 37 212	C	Using Slugs - Over \$100	1
+ 5 37 213	D	Criminal Simulation	1
+ 5 37 227	D	Financial Identity Fraud (Offense date - July 30, 1999 and thereafter)	3
+ 5 37 302	B	Hot Check/Personal Services(> \$2,500)	5
+ 5 37 302	C	Hot Check/Personal Services(>\$200-<\$2,500)	3
+ 5 37 403	D	Manu/sale of De-scrambling Devices (Offense date - August 1, 1997 and thereafter)	2
5 37 502	B	Marking/Altering Brand of Animal	3
+ 5 37 502	C	Marking/Altering Brand of Animal	2
+ 5 37 502	D	Marking/Altering Brand of Animal	1
+ 5 37 503	U	False Registration - Pedigree Animal	1
+ 5 37 524	D	Fraud in Acquire/Auth to Provide MV Trans	1
+ 5 37 525	D	Defrauding Material Man >\$5,000	1
5 38 202	D	Threatening to Cause a Catastrophe	2
# 5 38 202	Y	Causing a Catastrophe	9
+ 5 38 203	C	Criminal Mischief I	3
+ 5 38 204	D	Criminal Mischief II	2
* 5 38 205	C	Impairing Operation of Vital Public Facility	4
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - prior to August 1, 1997)	8
5 38 301	A	Arson (>\$20,001 -< \$100,000 Damage) (Offense date - prior to August 1, 1997)	7



5 38 301	B	Arson (< \$20,000 Damage) (Offense date - prior to August 1, 1997)	5
5 38 301	Y	Arson (>\$100,000 Damage) (Offense date - August 1, 1997 and thereafter)	8
5 38 301	A	Arson (>\$15,000 < \$100,000 Damage) (Offense date - August 1, 1997 and thereafter)	7
5 38 301	B	Arson (>\$5,000 < \$15,000 Damage) (Offense date - August 1, 1997 and thereafter)	5
* 5 38 301	C	Arson (\$2,500 < \$5,000 Damage) (Offense date - August 1, 1997 and thereafter)	4
* 5 38 301	D	Arson (\$500 < \$2,500 Damage) (Offense date - August 1, 1997 and thereafter)	3
* 5 38 302	D	Reckless Burning	2
* 5 38 311	U	Setting Fire with Intent to Let Escape	2
5 39 201	B	Burglary - Residential	6
+ 5 39 201	C	Burglary - Commercial	5
+ 5 39 202	D	Breaking or Entering	3
+ 5 39 211	U	Mining in a Cemetery	1
+ 5 39 401	D	Destroying or Taking Cemetery Marker (Offense date - August 1, 1997 or thereafter)	2
+ 5 41 103	D	Computer Fraud	1
+ 5 41 104	D	Computer Trespass (>\$.2500 Damage)	1
+ 5 41 202	C	Unlawful Acts Regarding Computers - Damage > \$500 (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 203	C	Unlawful Interference with Access to Computers (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 204	D	Unlawful Use of Encryption (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 205	D	Unlawful Acts Involving Electronic Mail (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 206	D	Computer Password Disclosure (Offense date - August 13, 2001 and thereafter)	2
+ 5 42 204	C	Criminal Use/Laundering Proceeds	4
5 51 201	A	Treason	6
* 5 51 202	U	Subversive Activities	4
5 51 203	B	Usurping Office	4
5 51 204	B	Usurping Government	4
5 51 303	U	Intentional Injury to Interfere With Government Property	2
+ 5 51 304	U	Intentional Defective Workmanship	2
+ 5 51 403	U	Communist Party Organization	1
+ 5 51 404	D	Failure to Register Communist Party Member/Organization -Overthrow Govt	1
+ 5 52 103	D	Public Servant Bribery	3
+ 5 53 102	C	Perjury	4
+ 5 53 108	C	Witness Bribery	4
* 5 53 109	C	Intimidating a Witness	4
+ 5 53 111	D	Tampering With Physical Evidence	4
* 5 53 112	D	Retaliation against Certain Informants (Offense date - August 1, 1997 and thereafter)	4

+ 5 53 113	D	Juror Bribery	4
* 5 53 114	C	Intimidating a Juror	4
+ 5 53 115	D	Jury Tampering	4
+ 5 53 133	D	Approaching Jury Commissioner	2
5 54 104	C	Interfering with Law Enforcement Officer	4
5 54 105	B	Hindering Apprehension or Prosecution	5
* 5 54 105	C	Hindering Apprehension or Prosecution	4
* 5 54 105	D	Hindering Apprehension or Prosecution	3
+ 5 54 106	D	Aiding Consummation of Offense	2
5 54 107	B	Compounding	5
+ 5 54 107	C	Compounding	3
+ 5 54 107	D	Compounding	2
5 54 110	C	Escape I	4
* 5 54 111	D	Escape II	2
+ 5 54 113	C	Permitting Escape I	4
5 54 116	C	Aiding Unauthorized Departure	3
* 5 54 117	C	Furnishing Implement for Escape	4
* 5 54 117	D	Furnishing Implement for Escape	3
* 5 54 118	C	Furnishing Implement for Unauthorized Departure	3
5 54 119	B	Furnishing Prohibited Articles	5
* 5 54 119	C	Furnishing Prohibited Articles	4
+ 5 54 120	C	Failure to Appear	5
5 54 121	B	Tampering With/Breaking into Court Records Offense date - July 30, 1999 and thereafter)	6
+ 5 54 121	C	Tampering With Court Records (Offense date - July 30, 1999 and thereafter)	4
+ 5 54 121	D	Tampering w/Public Record - Wrongdoing	2
+ 5 54 122	D	Filing False Report of Crime	2
5 54 125	C	Fleeing, in Car, with Serious Injury	5
5 54 125	D	Fleeing, with Serious Injury	3
5 54 125	D	Fleeing in Vehicle Causing Danger (Offense date - July 28, 1995 and thereafter)	3
5 54 125	D	Fleeing (Offense date - prior to July 28, 1995)	2
5 54 126	D	Killing Animal Used by Law Enforcement Agency	2
5 54 127	B	Officer Failing to Execute Process	4
+ 5 54 127	C	Officer Failing to Execute Process	3
* 5 54 127	D	Officer Failing to Execute Process	2
+ 5 54 131	D	Absconding	2
+ 5 55 103	B	Violation of Medicaid Fraud Act	4
+ 5 55 103	C	Violation of Medicaid Fraud Act	3
+ 5 55 104	D	Non-Maintenance of Medicaid Records	2
+ 5 56 101	D	Traffic in Illegal Food Coupons	2
+ 5 56 102	D	Illegal Use Etc. of Food Coupons	1
+ 5 56 103	D	Illegal Use of Food Coupons	1
5 60 101	D	Abuse of Corpse	1
5 60 111	D	Communicating False Alarm by Radio	1
5 61 101	D	Inducing Abortion W/O Medical License	2
5 61 102	U	Abortion	2

5 61 203	D	Performing partial birth abortion (Offense date - August 1, 1997 and thereafter)	2
+ 5 62 120	D	Dogfighting - (First Offense)	1
+ 5 62 124	D	Bear Exploitation	2
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent Schedule I - II	6
+ 5 64 401	C	Possession Control/Counterfeit Subst W/O Prescription (Third Offense)	3
+ 5 64 401	D	Possession Control/Counterfeit Subst W/O Prescription (Second Offense)	2
5 64 401.1	B	Manufacture, Etc. Controlled Substance Schedule I/II/III <28 gms.	4
+ 5 64 401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V <200 gms.	3
## 5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms	7
5 64 401.2	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >28 gms <400 gms	5
+ 5 64 401.2	C	Manufacture/Etc. Controlled Substance Schedule IV/V >200 gms <400 gms	4
## 5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms	7
5 64 401.3	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >200 gms <400 gms	5
+ 5 64 401.3	C	Manufacture/Etc. Controlled Substance Schedule IV/V >400 gms	4
## 5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II >200 gms <400 gms	8
5 64 401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms	6
+ 5 64 401.4	C	Possession of Controlled Substance - Schedule I/II	4
## 5 64 401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II >400 gms	8
5 64 401.5	B	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - July 28, 1995 and thereafter)	5
+ 5 64 401.5	C	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - prior to July 28, 1995)	4
5 64 401.6	A	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - October 10, 1994 and thereafter)	6
+ 5 64 401.6	C	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - prior to October 10, 1994)	4
+ 5 64 401.7	C	Manufacture/Delivery/Possession Marijuana <10 lbs	3
+ 5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent Unclassified Schedule	2
+ 5 64 401.9	C	Possession/Etc. Counterfeit Substance w/Intent Schedule I-V	3
5 64 402	B	Failure to Keep Records-Drug Free Zone	7
+ 5 64 402	D	Failure to Keep Records, Etc. Drugs	2
5 64 403	B	Delivery Drug Paraphernalia to Anyone <18	5
## 5 64 403	B	Paraphernalia to Manufacture Methamphetamine, Use of	6



		(Offense date - April 9, 1999 until April 30, 2002)		
+	5 64 403	C	Delivery/Possession/Manufacture, Etc. Drugs	3
+	5 64 403	D	Non-controlled Substance Rep as Class Controlled Substance	2
	5 64 406	Y	Distribution of Controlled Substance to a Minor	8
	5 64 414	Y	Continuing Criminal Enterprise	9
+	5 64 415	D	Drug Precursors	3
+	5 64 417	C	Communication Facility, Illegal Use of	3
+	5 64 802	C	Conduct Illegal Drug Paraphernalia Business (Third Offense)	3
+	5 64 802	D	Conduct Illegal Drug Paraphernalia Business (Second Offense)	2
+	5 64 1101	D	Possess > 5 grams Ephedrine (Offense date - August 1, 1997 and thereafter)	2
+	5 64 1102	D	Possess w/Intent to Manufacture (Offense date - August 1, 1997 and thereafter)	2
+	5 64 1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc with Intent To Manufacture (Offense date - August 13, 2001 and thereafter)	3
	5 64 1301	B	Possession of Anhydrous Ammonia in Unlawful Containers (Offense date - July 30, 1999 and thereafter)	5
+	5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)	3
+	5 66 103	U	Keeping a Gambling House	1
+	5 66 115	D	Bribery of a Sports Participant	2
+	5 66 117	D	Unlawful Wagering on Horse Racing	1
+	5 66 119	D	Promotion or Operation of Lottery	1
	5 68 203	U	Sale or Possession of Obscene Film	2
	5 68 303	D	Promoting Obscene Materials	2
	5 68 304	D	Promoting Obscene Performance	2
	5 68 305	C	Obscene Performance at Live Public Show	2
	5 68 307	D	Public Display of Hardcore Sex Conduct	2
	5 68 405	U	Sale/Distribution of Obscene Material	2
	5 70 104	D	Promoting Prostitution First Degree	3
	5 71 202	D	Aggravated Riot	3
	5 71 203	D	Inciting Riot	3
	5 71 204	B	Arming Rioter	4
+	5 71 210	D	Communicating False Alarm	2
*	5 71 210	D	Communicating False Alarm to an Educational Institution (Offense date - August 13, 2001 and thereafter)	3
	5 71 211	D	Threatening A Fire Bombing	2
+	5 71 215	C	Defacing Objects of Public Respect Damage >\$2,500	3
+	5 71 215	D	Defacing Objects of Public Respect Damage >\$500 <\$2,500	2
	5 71 229	B	Stalking First Degree	6
	5 71 229	C	Stalking Second Degree	4
	5 71 302	C	Promoting Civil Disorder - First Degree	3
+	5 72 109	U	Injuring Levee	2
+	5 72 111	U	Making Cut-offs on the River	1
	5 73 103	B	Possession Firearm by Certain Persons (Prior crime violent <u>or</u> present use to commit crime. Offense date - July 28, 1995 and thereafter)	5
	5 73 103(c)	B	Possession Firearm by Certain Persons (Offense date - August 31, 2001 and thereafter)	5
	5 73 103	B	Possession Firearm by Certain Persons	3

5 73 103 D (Offense date - October 10, 1994 - July 28, 1995, no Class D  
during this period) Possession Firearm by Certain Persons 2  
(Offense date - prior to October 10, 1994, no class B during this period)

+ 5 73 103	D	Possession Firearm by Certain Persons (Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28, 1995, and thereafter)	2
5 73 104	B	Criminal Use of Prohibited Weapons	5
5 73 104	D	Criminal Use of Prohibited Weapons	3
+ 5 73 106	D	Defacing a Firearm	2
+ 5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable (Offense date - July 28, 1995 and thereafter)	2
5 73 108	B	Criminal in Possession of Explosives	5
5 73 109(b)	B	Furnishing Illegal Weapon to Minor (Offense date - October 10, 1994 and thereafter)	4
* 5 73 119	D	Possession of Handgun on Public School Property or Bus (Offense date - prior to July 30, 1999)	3
* 5 73 119	D	Possession of Firearm on Public School Property or Bus (Offense date - July 30, 1999 and thereafter)	4
* 5 73 119	D	Possession of Handgun by Juvenile Delinquent (Offense date - October 10, 1994 and thereafter)	2
* 5 73 122	D	Possessing Handgun in a Courtroom (Offense date - August 1, 1997 and thereafter)	3
5 73 126	D	Booby Trap Unlawful to Install/Maintain	2
5 73 129	B	Furnishing Deadly Weapon to Felon (Offense date - October 10, 1994 and thereafter)	5
5 73 131	D	Possession of Weapon by Incarcerated Person (Offense date - July 28, 1995 and thereafter)	3
5 73 132	B	Sale, Rental or Transfer of Firearm to Prohibited Person (Offense date - July 30, 1999 and thereafter)	5
( <i>Sup pp. 75</i> )			
5 73 204	U	Violation of Uniform Machine Gun Act	7
5 73 211	U	Perpetrating Crime with Machine Gun	8
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise (First Degree)	8
5 74 104	A	Engaging in Continuing Gang Org. or Enterprise (First Degree)	7
5 74 104	B	Engaging in Continuing Gang Org. or Enterprise (First Degree)	6
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	7
5 74 104	A	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	6
5 74 104	B	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	5
5 74 104	C	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	4
5 74 105	B	Unauthorized Use Property to Facilitate Crime	5
5 74 106	Y	Simultaneous Possession of Drugs and Firearms	8
5 74 107	Y	Discharge of a Firearm From Car (First Degree)	9
5 74 107	B	Discharge of a Firearm From Car (Second Degree)	7
5 74 108	Y	Violent Group Activity, Enhanced	9
5 74 108	A	Violent Group Activity, Enhanced	8
5 74 108	B	Violent Group Activity, Enhanced	7

5 74 108	C	Violent Group Activity, Enhanced	5
5 74 108	D	Violent Group Activity, Enhanced	3
5 74 203	B	Soliciting a Minor to Join a Gang (Second Offense) (Offense date - October 10, 1994 and thereafter)	6
5 74 203	C	Soliciting a Minor to Join a Gang (First Offense) (Offense date - October 10, 1994 and thereafter)	4
* 5 75 102	D	Aircraft DWI Second Offense W/I 1 Year	2
* 5 77 201	D	Illegal Purchase or Sale of Blue Lights (Offense date - August 1, 1997 and thereafter)	1
+ 7 1 104	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
+ 7 5 411	U	False Statements on Voting Affidavits (Offense date - August 1, 1997 and thereafter)	2
+ 7 5 702	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
+ 7 6 102	D	Person With Record Signing Political Pledge	1
+ 7 6 104	U	Violate Political Practices Act	1
+ 7 9 109	D	False Info on Petition Verification (Offense date - August 1, 1997 and thereafter)	2
+ 8 4 201	U	Violate Law Regulating Pollution Control Commission	2
8 7 204	U	Release of Hazardous Waste with Danger Of Death/Serious Bodily Injury	6
+ 8 7 204	U	Release of Hazardous Waste	5
+ 8 7 204	U	Hazardous Waste\Violation of Provisions	3
+ 8 7 205	U	Leave/Remove Self After Violate HWM Act	1
+ 9 9 206	C	Accepting Compensation for Adoption	3
+ 11 9 106	D	Workers' Compensation Fraud (Employee Misrepresentation)	2
+ 11 9 107	D	Workers' Compensation Fraud (Employer Misrepresentation)	2
12 12 212	U	Rept/Willful Release Unauthorized Person	1
+ 12 12 504	D	False Allegation of Child Abuse (Second offense) (Offense date - August 1, 1997 and thereafter)	3
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 and thereafter)	2
12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 and thereafter)	2
+ 12 12 1008	D	Unauthorized Use of Criminal History	1
+ 13 6 406	D	Trading or Collecting Skeletal Remains (Offense date - July 30, 1999 and thereafter)	2
+ 13 6 406	C	Trading or Collecting Skeletal Remains (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 407	C	Display of Skeletal Remains (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 408	D	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 408	C	Desecration of Burial Grounds (Second Offense) (Offense date - July 30, 1999 and thereafter)	4
+ 15 32 603	D	Timber Theft (Offense date - August 13, 2001 and thereafter)	2
+ 15 43 317	U	Killing Fish w/Intoxicant Stup Substance	1

+ 16 22 501	D	Unauthorized Practice of Law (Second Offense) (Offense date - August 1, 1997 and thereafter)	2
+ 16 84 114	D	Violation of Bail Bond Agent Law (Offense date - July 30, 1999 and thereafter)	2
+ 17 16 102	D	Unlicenced Athletic Agent (Offense date - July 30, 1999 and thereafter)	1
+ 17 20 103	U	Precious Metals Violate Buyers Act	1
+ 17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 18 44 101	U	Failure to Discharge Lien	1
+ 18 29 204	D	Violation of "Unused Property" Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 20 23 403	U	Failure to Inspect Boilers (Offense date - July 30, 1999 and thereafter)	1
+ 20 60 210	U	Failure to Label Narcotic	1
+ 20 60 214	U	Sale/Disp Adulterated/Uninspected Meat	1
+ 20 64 217	U	Fraud/Deceit Procure Narcotic	1
+ 21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2
+ 23 35 805	U	Spread False Report About Credit Union	1
+ 23 39 104	B	False Security Statement	4
23 39 105	B	Violate Mortgage Loan Co/Loan Broker Act	3
+ 23 40 106	D	Failure to Deposit Funeral Trust Funds (Offense date - July 30, 1999 and thereafter)	3
+ 23 42 507	B	Securities Fraud	4
+ 23 42 507	D	Securities Fraud	2
+ 23 66 502	D	Fraudulent Insurance Acts (Offense date - August 1, 1997 and thereafter)	2
+ 23 66 502	C	Fraudulent Insurance Acts (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 23 69 134	U	Removal of Insurance Records (Offense date - July 30, 1999 and thereafter)	2
+ 26 18 202	U	Failure to Pay or File Tax Return	1
+ 27 14 307	U	False Evidence Title or Registration	1
+ 27 14 2212	U	Mutilating Serial Numbers, Vehicles	2
+ 27 52 102	D	Interfere W/Traffic Control Device	2
27 53 101	D	Failure to Stop After Accident With Injury or Death	2
+ 27 53 103	D	Duty to Give Info or Render Aid	1
+ 27 116 502	C	Operating Aircraft W/O ID Markings	2

2. **ALPHABETICAL OFFENSE SERIOUSNESS RANKING TABLE**  
**FOR ALL CRIMINAL OFFENSES**

<b><u>Statute #</u></b>	<b><u>Class</u></b>	<b><u>Name of Crime</u></b>	<b><u>Ranking</u></b>
5 61 102	U	Abortion	2
+ 5 54 131	D	Absconding	2
5 28 103	B	Abuse of Adults	6
5 28 103	C	Abuse of Adults	5
5 28 103	D	Abuse of Adults	4
5 60 101	D	Abuse of Corpse	1
+ 9 9 206	C	Accepting Compensation for Adoption	3
5 13 204	D	Aggravated Assault	3
5 13 211	D	Aggravated Assault of Corrections Officer (Offense date - August 1, 1997 and thereafter)	3
5 26 306	D	Aggravated Assault on Family/Household Member (Offense date - July 28, 1995 and thereafter)	3
5 26 304	D	Aggravated Assault on Wife I (Offense date - prior to July 28, 1995)	3
5 71 202	D	Aggravated Riot	3
# 5 12 103	Y	Aggravated Robbery	8
+ 5 54 106	D	Aiding Consummation of Offense	2
5 54 116	C	Aiding Unauthorized Departure	3
* 5 75 102	D	Aircraft DWI Second Offense Within 1 Year	2
5 11 105	B	Aircraft Piracy	5
+ 3 3 202	U	Alcoholic Beverage to Minor (Second Offense)	3
+ 3 8 312	U	Alcoholic Beverage Sale/Possession Trade in Dry County	1
+ 5 53 133	D	Approaching Jury Commissioner	2
5 71 204	B	Arming Rioter	4
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - prior to August 1, 1997)	8
5 38 301	A	Arson (>\$20,001 - <\$100,000 Damage) (Offense date - prior to August 1, 1997)	7
5 38 301	B	Arson (< \$20,000 Damage) (Offense date - prior to August 1, 1997)	5
5 38 301	Y	Arson (>\$100,000 Damage) (Offense date - August 1, 1997 or thereafter)	8
5 38 301	A	Arson (>\$15,000 < \$100,000 Damage) (Offense date - August 1, 1997 or thereafter)	7
5 38 301	B	Arson (>\$5,000 < \$15,000 Damage) (Offense date - August 1, 1997 or thereafter)	5
* 5 38 301	C	Arson (>\$2,500 < \$5,000 Damage) (Offense date - August 1, 1997 and thereafter)	4
* 5 38 301	D	Arson (>\$500 < \$2,500 Damage) (Offense date - August 1, 1997 and thereafter)	3
5 13 201	B	Battery I	8
5 13 202	D	Battery II	4
+ 5 62 124	D	Bear Exploitation	2

	5 73 126	D	Booby Trap Unlawful to Install/Maintain	2
+	5 39 202	D	Breaking or Entering	3
+	5 66 115	D	Bribery of a Sports Participant	2
+	5 39 201	C	Burglary - Commercial	5
*	5 39 201	B	Burglary - Residential	6
	5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation	9
	5 14 104	A	Carnal Abuse I	6
			(Offense date - on or after July 28, 1995 and prior to August 13, 2001	
	5 14 104	B	Carnal Abuse I	5
			(Offense date - prior to July 28, 1995)	
	5 14 105	C	Carnal Abuse II	5
			(Offense date - on or after July 28, 1995 and prior to August 13, 2001)	
	5 14 105	D	Carnal Abuse II	4
			(Offense date - prior to July 28, 1995)	
	5 14 106	D	Carnal Abuse III	3
			(Offense date - on or after July 28, 1995 and prior to August 13, 2001)	
#	5 38 202	Y	Causing a Catastrophe	9
+	5 71 210	D	Communicating False Alarm	2
*	5 71 210	D	Communicating False Alarm to an Educational Institution	3
			(Offense date - August 13, 2001 and thereafter)	
	5 60 111	D	Communicating False Alarm by Radio	1
+	5 64 417	C	Communication Facility, Illegal Use of	3
+	5 51 403	U	Communist Party Organization	1
	5 54 107	B	Compounding	5
+	5 54 107	C	Compounding	3
+	5 54 107	D	Compounding	2
	5 27 603	B	Computer Child Pornography	6
			(Offense date - August 13, 2001 and thereafter)	
	5 27 605	B	Computer Exploitation of a Child - First Degree	7
			(Second and Subq. Offense) (Offense date - August 13, 2001 and thereafter)	
	5 27 605	C	Computer Exploitation of a Child - First Degree	5
			(First Offense) (Offense date - August 13, 2001 and thereafter)	
	5 27 605	D	Computer Exploitation of a Child - Second Degree	4
			(Offense date - August 13, 2001 and thereafter)	
+	5 41 103	D	Computer Fraud	1
+	5 41 206	D	Computer Password Disclosure	2
			(Offense date - August 13, 2001 and thereafter)	
+	5 41 104	D	Computer Trespass (>\$2,500 Damage)	1
	5 26 203	D	Concealing Birth	2
			(Offense date- August 13, 2001 and thereafter)	
+	5 64 802	D	Conduct Illegal Drug Paraphernalia Business (Second Offense)	2
+	5 64 802	C	Conduct Illegal Drug Paraphernalia Business (Third Offense)	3
	5 64 414	Y	Continuing Criminal Enterprise	9
+	5 37 208	D	Criminal Impersonation I	2
			(Offense date - August 1, 1997 and thereafter)	
	5 73 108	B	Criminal in Possession of Explosives	5
+	5 38 203	C	Criminal Mischief I	3
+	5 38 204	D	Criminal Mischief II	2

+ 5 37 213	D	Criminal Simulation	1
5 73 104	B	Criminal Use of Prohibited Weapons	5
5 73 104	D	Criminal Use of Prohibited Weapons	3
+ 5 42 204	C	Criminal Use/Laundering Proceeds	4
5 17 101	D	Death Threat Concerning School Employee Or Student (Offense date - August 13, 2001 and thereafter)	3
+ 13 6 408	D	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 408	C	Desecration of Burial Grounds (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 73 106	D	Defacing a Firearm	2
+ 5 71 215	C	Defacing Objects of Public Respect Damage >\$2,500	3
+ 5 71 215	D	Defacing Objects of Public Respect Damage >\$500 <\$2,500	2
+ 5 37 211	D	Defrauding Judgment Creditors	1
+ 5 37 525	D	Defrauding Material Man >\$5,000	1
+ 5 37 203	D	Defrauding Secured Creditors	1
+ 5 64 403	C	Delivery/Possession/Manufacture, Etc. Drugs	3
5 64 403	B	Delivery Drug Paraphernalia to Anyone <18	5
+ 5 39 401	D	Destroying or Taking Cemetery Marker (Offense date - August 1, 1997 and thereafter)	2
5 74 107	Y	Discharge of a Firearm From Car (First Degree)	9
5 74 107	B	Discharge of a Firearm From Car (Second Degree)	7
+ 13 6 407	C	Display of Skeletal Remains (Offense date - July 30, 1999 and thereafter)	3
5 27 602	B	Distributing, Possessing or Viewing Matter Depict Conduct Involve 6 Child, (Second or Subq. Offense) (Offense date - August 13, 2001 and thereafter)	6
5 27 602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve 4 Child (Offense date - August 13, 2001 and thereafter)	4
5 64 406	Y	Distribution of Controlled Substance to a Minor	8
+ 5 62 120	D	Dogfighting - (First Offense)	1
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 26 303	A	Domestic Battering I (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	8
5 26 304	C	Domestic Battering II (Offense date - July 30, 1999 and thereafter)	4
5 26 304	B	Domestic Battering II (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	5
5 26 304	D	Domestic Battering II (Offense date - July 28, 1995 and thereafter)	4
5 26 305	D	Domestic Battering III (Second Offense) (Offense date - July 28, 1995 and thereafter)	3
5 26 305	D	Domestic Battering III (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 64 415	D	Drug Precursors	3
+ 27 53 103	D	Duty to Give Info or Render Aid	1
+ 5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)	3
+ 7 1 104	D	Election felonies	2



			(Offense date - August 1, 1997 and thereafter)	
+	7 5 702	D	Election felonies	2
			(Offense date - August 1, 1997 and thereafter)	
	5 27 402	C	Employ/Authorize Child <17 Sexual Performance (First Offense)	5
	5 27 402	B	Employ/Authorize Child <17 Sexual Performance (Subsequent Offense)	6
	5 27 201	D	Endangering Welfare of Incompetent I	3
	5 27 203	D	Endangering Welfare of a Minor I	3
	5 27 303	C	Engaging Child in Sex Explicit (First Offense)	5
	5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense)	6
	5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	7
	5 74 104	B	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	6
	5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	8
	5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	6
	5 74 104	B	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	5
	5 74 104	C	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	4
	5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	7
	5 54 110	C	Escape I	4
*	5 54 111	D	Escape II	2
	12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 and thereafter)	2
+	5 54 120	C	Failure to Appear	5
+	23 40 106	D	Failure to Deposit Funeral Trust Funds (Offense date - July 30, 1999 and thereafter)	3
+	18 44 101	U	Failure to Discharge Lien	1
+	20 23 403	U	Failure to Inspect Boilers (Offense date - July 30, 1999 and thereafter)	1
	5 64 402	B	Failure to Keep Records-Drug Free Zone	7
+	5 64 402	D	Failure to Keep Records, Etc. Drugs	2
+	20 60 210	U	Failure to Label Narcotic	1
+	26 18 202	U	Failure to Pay or File Tax Return	1
+	5 51 404	D	Failure to Register Communist Party Member/Organization Overthrow Government	1
	27 53 101	D	Failure to Stop After Accident with Injury or Death	2
+	12 12 504	D	False Allegations of Child Abuse - (Second Offense) (Offense date - August 1, 1997 and thereafter)	3
+	27 14 307	U	False Evidence Title or Registration	1
	5 11 103	C	False Imprisonment I	4
+	7 9 109	D	False Information on Petition Verification (Offense date - August 1, 1997 and thereafter)	2
+	5 37 503	U	False Registration - Pedigree Animal	1

+ 23 39 104	B	False Security Statement	4
+ 7 5 411	U	False Statements on Voting Affidavits (Offense date - August 1, 1997 and thereafter)	2
+ 5 54 122	D	Filing False Report of Crime	2
+ 5 37 227	D	Financial Identity Fraud (Offense date - July 30, 1999 and thereafter)	3
5 54 125	D	Fleeing (Offense date - prior to July 28, 1995)	2
5 54 125	C	Fleeing, in Car, with Serious Injury	5
5 54 125	D	Fleeing in Vehicle Causing Danger (Offense date - July 28, 1995 and thereafter)	3
5 54 125	D	Fleeing, with Serious Injury	3
+ 5 37 201	B	Forgery I	5
+ 5 37 201	C	Forgery II	3
+ 20 64 217	U	Fraud/Deceit Procure Narcotic	1
5 27 502	B	Fraud ID Unlawful to Manufacture (Second Offense)	4
+ 5 27 502	C	Fraud ID Unlawful to Manufacture (First Offense)	3
+ 5 37 524	D	Fraud in Acquire/Auth to Provide MV Trans	1
+ 5 37 204	D	Fraud in Insolvency	1
+ 23 66 502	D	Fraudulent Insurance Acts (Offense date - August 1, 1997 and thereafter)	2
+ 23 66 502	C	Fraudulent Insurance Acts (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 37 207	C	Fraudulent Use of a Credit Card	3
5 73 129	B	Furnishing Deadly Weapon to Felon (Offense date - October 10, 1994 and thereafter)	5
5 73 109(b)	B	Furnishing Illegal Weapon to Minor (Offense date - October 10, 1994 and thereafter)	4
* 5 54 117	C	Furnishing Implement for Escape	4
* 5 54 117	D	Furnishing Implement for Escape	3
* 5 54 118	C	Furnishing Implement for Unauthorized Departure	3
5 54 119	B	Furnishing Prohibited Articles	5
* 5 54 119	C	Furnishing Prohibited Article	4
+ 8 7 204	U	Hazardous Waste/Violation of Provisions	3
5 54 105	B	Hindering Apprehension or Prosecution	5
* 5 54 105	C	Hindering Apprehension or Prosecution	4
* 5 54 105	D	Hindering Apprehension or Prosecution	3
+ 5 37 302	B	Hot Check/Personal Services(> \$2500)	5
+ 5 37 302	C	Hot Check/Personal Services(>\$200-<\$2,500)	3
* 5 77 201	D	Illegal Purchase or Sale of Blue Lights (Offense date - August 1, 1997 and thereafter)	1
+ 5 56 102	D	Illegal Use Etc. of Food Coupons	1
+ 5 56 103	D	Illegal Use of Food Coupons	1
+ 3 3 402	D	Illicit Still	1
* 5 38 205	C	Impairing Operation of Vital Public Facility	4
5 26 202	A	Incest when victim <16 (Offense date - August 1, 1997 and thereafter)	6
5 26 202	C	Incest	5
5 71 203	D	Inciting Riot	3

5 14 112	D	Indecent Exposure to Age 12 and under (Offense date - August 1, 1997 and thereafter)	2
5 14 112	D	Indecent Exposure, (Second and Subsequent Offense (Offense date - August 13, 2001 and thereafter)	2
5 61 101	D	Inducing Abortion W/O Medical License	2
+ 5 72 109	U	Injuring Levee	2
+ 5 51 304	U	Intentional Defective Workmanship	2
5 51 303	U	Intentional Injury, to Interfere With Government Property	2
+ 27 52 102	D	Interfere W/Traffic Control Device	2
+ 5 26 502	D	Interference with Court Ordered Custody (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 502	C	Interference with Custody (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 502	D	Interference with Custody (Offense date - prior to July 28, 1995)	3
5 54 104	C	Interfering w/Law Enforcement Officer	4
+ 5 26 501	D	Interference with Visitation	2
* 5 53 114	C	Intimidating a Juror	4
* 5 53 109	C	Intimidating a Witness	4
5 13 210	Y	Intro C/S into Body (Schedule I-II)	7
5 13 210	Y	Intro C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and thereafter)	9
5 13 210	B	Intro C/S into Body (Schedule I-III)	5
5 13 210	C	Intro C/S into Body (Schedule IV-V)	3
+ 5 53 113	D	Juror Bribery	4
+ 5 53 115	D	Jury Tampering	4
+ 5 66 103	U	Keeping a Gambling House	1
5 11 102	B	Kidnapping	6
# 5 11 102	Y	Kidnapping	8
5 54 126	D	Killing Animal Used by Law Enforcement Agency	2
+ 15 43 317	U	Killing Fish w/Intoxicant Stup Substance	1
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - August 13, 2001 and thereafter)	7
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - Prior to August 13, 2001)	6
+ 8 7 205	U	Leave/Remove Self After Violate HWM Act	1
+ 5 72 111	U	Making Cut-offs on the River	1
+ 5 28 216	D	Making False Notification of Adult Abuse (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
5 10 104	C	Manslaughter	6
5 64 401.1	B	Manufacture/Etc. Controlled Substance Schedule I/II/III <28 gms.	4
5 64 401.2	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >28 gms <400 gms	5
5 64 401.3	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >200 gms <400 gms	5
5 64 401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms	6
+ 5 64 401.1	C	Manufacture/Etc. Controlled Substance Schedule IV/V <200 gms	3

+ 5 64 401.2	C	Manufacture/Etc. Controlled Substance Schedule IV/V >200 gms <400 gms	4
+ 5 64 401.3	C	Manufacture/Etc. Controlled Substance Schedule IV/V >400 gms Schedule IV/V >400 gms	4
## 5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms	7
## 5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II >200 gms <400 gms	8
## 5 64 401.4	Y	Manufacture/Etc. Controlled Substance \schedule I/II > 400 gms	8
## 5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms	7
5 64 401.5	B	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - July 28, 1995 and thereafter)	5
+ 5 64 401.5	C	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date prior to July 28, 1995)	4
5 64 401.6	A	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - October 10, 1995 and thereafter)	6
+ 5 64 401.6	C	Manufacture/Delivery/Possession Marijuana > 100 lbs (Offense date - prior to October 10,1994)	4
+ 5 64 401.7	C	Manufacture/Delivery/Possession Marijuana < 10 lbs	3
+ 5 37 403	D	Manu/sale of De-scrambling Devices (Offense date - August 1, 1997 and thereafter)	2
5 37 502	B	Marking/Altering Brand of Animal	3
+ 5 37 502	C	Marking/Altering Brand of Animal	2
+ 5 37 502	D	Marking/Altering Brand of Animal	1
+ 5 39 211	U	Mining in a Cemetery	1
# 5 10 102	Y	Murder I	10
5 10 103	B	Murder II	8
+ 27 14 2212	U	Mutilating Serial Numbers, Vehicles	2
5 10 105	C	Negligent Homicide (Offense date - July 30, 1999 and thereafter)	4
5 10 105	D	Negligent Homicide (Offense date - prior to July 30, 1999)	4
+ 5 64 403	D	Non-controlled Substance Rep as Class Controlled Substance	2
+ 5 55 104	D	Non-Maintenance of Medicaid Record	2
+ 5 26 401	B	Non-Support if owe >\$25,000 (Offense date - August 1, 1997 and thereafter)	4
+ 5 26 401	C	Non-Support if owe >\$10,000 but <\$25,000 (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support (Offense date - prior to July 30, 1999)	3
+ 5 26 401	D	Non-Support if owe >\$25,000; if at least 4 Months Support (Offense date - July 30, 1999 and thereafter)	3
5 68 305	C	Obscene Performance at Live Public Show	2
+ 5 37 210	D	Obtaining Signature by Deception	1
+ 4 90 201	U	Odometer Fraud (Offense date - July 28, 1995 and thereafter)	2
5 54 127	B	Officer Failing to Execute Process	4
+ 5 54 127	C	Officer Failing to Execute Process	3

* 5 54 127	D	Officer Failing to Execute Process	2
+27 116 502	C	Operating Aircraft W/O ID Markings	2
## 5 64 403	B	Paraphernalia to Manufacture Methamphetamine, Use of (Offense date - April 9, 1999 until April 30, 2002)	6
+ 5 53 102	C	Perjury	4
5 11 106	B	Permanent Detention	5
5 11 106	D	Permanent Detention	3
5 61 203	D	Performing Partial Birth Abortion (Offense date - August 1, 1997 and thereafter)	2
5 27 221	B	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	6
5 27 221	C	Permitting Child Abuse	5
5 27 221	D	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	4
+ 5 54 113	C	Permitting Escape I	4
5 73 211	U	Perpetrating Crime with Machine Gun	8
+ 7 6 102	D	Person With Record Signing Political Pledge	1
5 10 106	C	Physician-Assisted Suicide (Offense date - July 30, 1999 and thereafter)	5
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent - Schedule I-II	6
+ 5 64 401.9	C	Possession/Etc. Counterfeit Substance w/Intent - Schedule I-V	3
+ 5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent Unclassified Schedule	2
5 64 1301	B	Possession of Anhydrous Ammonia in Unlawful Containers (Offense date - July 30, 1999 and thereafter)	5
+ 5 64 401	D	Possession of Control/Counterfeit Substance W/O Prescription (Second Offense)	2
+ 5 64 401	C	Possession of Control/Counterfeit Substance W/O Prescription (Third Offense)	3
+ 5 64 401.4	C	Possession of Controlled Substance Schedule I/II	4
+ 5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable (Offense date - July 28, 1995 and thereafter)	2
5 73 103	B	Possession Firearm by Certain Persons (Prior crime violent <u>or</u> present use to commit crime. Offense date - July 28,1995 and thereafter)	5
5 73 103(c)B	B	Possession Firearm by Certain Persons (Offense date - August 31, 2001 and thereafter)	5
5 73 103	B	Possession Firearm by Certain Persons (Offense date - October 10, 1994 - July 28,1995 <u>no</u> Class D during this period)	3
5 73 103	D	Possession Firearm by Certain Persons (Offense date - prior to October 10, 1994, <u>no</u> class B during this period)	2
+ 5 73 103	D	Possession Firearm by Certain Persons (Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28,1995, and thereafter)	2
* 5 73 119	D	Possession of Firearm on Public School Property or Bus (Offense date - July 30, 1999 and thereafter)	4
+ 5 37 209	C	Possession of Forgery Device	3
+ 5 64 1101	D	Possess> 5 grams Ephedrine	2

		(Offense date - August 1, 1997 and thereafter)	
*	5 73 119	D Possession of Handgun by Juvenile Delinquent	2
		(Offense date - October 10, 1994 and thereafter)	
*	5 73 122	D Possession Handgun in a Courtroom	3
		(Offense date - August 1, 1997 and thereafter)	
*	5 73 119	D Possession of Handgun on Public School Property or Bus	3
		(Offense date - prior to July 30, 1999)	

+ 5 73 131	D	Possession of Weapon by Incarcerated Person (Offense date - July 28, 1995 and thereafter)	3
+ 5 64 1102	D	Possess w/Intent to Manufacture (Offense date - August 1, 1997 and thereafter)	2
+ 17 20 103	U	Precious Metals Violate Buyers Act	1
5 27 403	B	Produce/Direct Sexual Performance Child <17	6
5 71 302	C	Promoting Civil Disorder (First Degree)	3
5 68 303	D	Promoting Obscene Materials	2
5 68 304	D	Promoting Obscene Performance	2
5 70 104	D	Promoting Prostitution 1st Degree	3
+ 5 66 119	D	Promotion or Operation of Lottery	1
5 68 307	D	Public Display of Hardcore Sex Conduct	2
+ 5 52 103	D	Public Servant Bribery	3
# 5 14 103	Y	Rape	9
* 5 38 302	D	Reckless Burning	2
* 8 7 204	U	Release of Hazardous Waste	5
8 7 204	U	Release of Hazardous Waste with Danger of Death/Serious Bodily Injury	6
+ 23 69 134	U	Removal of Insurance Records (Offense date - July 30, 1999 and thereafter)	2
12 12 212	U	Rept/Willful Release Unauthorized Person	1
* 5 53 112	D	Retaliation Against Certain Informants (Offense date - August 1, 1997 and thereafter)	4
5 12 102	B	Robbery	7
+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
+ 3 3 202	C	Sale of Alcoholic Beverage to Minor (New, 2 <sup>nd</sup> Offense w/i 5 yr)	3
20 60 214	U	Sale/Disp Adulterated/Uninspected Meat	1
5 68 405	U	Sale/Distribution of Obscene Material	2
5 73 132	B	Sale, Rental, or Transfer of Firearm to Prohibited Person (Offense date - July 30, 1999 and thereafter)	5
(Sup pp. 75)			
5 68 203	U	Sale or Possession of Obscene Film	2
+ 23 42 507	B	Securities Fraud	4
+ 23 42 507	D	Securities Fraud	2
+ 5 64 1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc with Intent To Manufacture (Offense date - August 13, 2001 and thereafter)	3
5 38 311	U	Setting Fire w/Intent to Let Escape	2
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 and thereafter)	2
5 14 108	C	Sexual Abuse I (Offense date - prior to August 13, 2001)	5
5 14 124	A	Sexual Assault, First Degree (Offense date - August 13, 2001 and thereafter)	7
5 14 125	B	Sexual Assault, Second Degree (Offense date - August 13, 2001 and thereafter)	6
5 14 126	C	Sexual Assault, Third Degree (Offense date - August 13, 2001 and thereafter)	4
5 14 110	D	Sexual Indecency with a Child (Offense date - August 13, 2001 and thereafter)	3
5 14 110	D	Sexual Solicitation of a Child	3

		(Offense date - July 28, 1995 and thereafter)	
	5 74 106	Y Simultaneous Possession of Drugs and Firearms	8
	5 15 105	U Slander	1
	5 15 102	U Slander-Adultery/Fornication	1
	5 15 103	U Slander-False Swearing	1
	5 15 104	U Slander-Proclaiming One as a Coward	1
	5 74 203	B Soliciting a Minor to Join a Gang (Second Offense) (Offense date - October 10, 1994 and thereafter)	6
	5 74 203	C Soliciting a Minor to Join a Gang (First Offense) (Offense date - October 10, 1994 and thereafter)	4
+	5 27 229	D Soliciting Money/Property from Incompetent	3
	23 35 805	U Spread False Report About Credit Union	1
	5 71 229	B Stalking First Degree	6
	5 71 229	C Stalking Second Degree	4
	5 51 202	U Subversive Activities	4
+	5 54 121	C Tampering With Courts Records (Offense date - July 30, 1999 and thereafter)	4
	5 54 121	B Tampering With/Breaking Into Court Records (Offense date - July 30, 1999 and thereafter)	6
+	5 53 111	D Tampering With Physical Evidence	4
+	5 54 121	D Tampering With Public Record - Wrongdoing	2
	5 13 301	D Terroristic Threatening I	2
	5 13 310	Y Terroristic Act	8
	5 13 310	B Terroristic Act	5
+	5 36 106	B Theft by Receiving	5
+	5 36 106	C Theft by Receiving	3
+	5 36 115	B Theft of Leased/Rented Property	4
+	5 36 115	C Theft of Leased/Rented Property	3
+	5 36 115	D Theft of Leased/Rented Property	2
+	5 36 103	B Theft of Property	5
+	5 36 103	C Theft of Property (Offense date - prior to July 28, 1995)	3
+	5 36 103	C Theft of Property >\$500 (Offense date - July 28, 1995 and thereafter)	3
+	5 36 103	D Theft of Property	2
+	5 36 103	D Theft of Property During a Period of Emergency (Offense date - August 13, 2001 and thereafter)	3
+	5 36 103	D Theft of Property During a Criminal Episode (Offense date - August 13, 2001 and thereafter)	2
+	5 36 105	D Theft of Property Lost/Mislaid/Delivered by Mistake	2
+	5 36 202	B Theft of Public Benefits >\$2,500	5
+	5 36 202	C Theft of Public Benefits >\$200 <\$2,500	3
+	5 36 104	B Theft of Services	5
+	5 36 104	C Theft of Services	3
+	5 36 303	B Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	5
+	5 36 303	C Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	3
+	5 36 304	B Theft - Wireless Services, facilitating	5



(Offense date - August 1, 1997 and thereafter)

+ 5 36 304	C	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	3
5 71 211	D	Threatening A Fire Bombing	2
5 38 202	D	Threatening to Cause a Catastrophe	2
+ 15 32 603	D	Timber Theft (Offense date - August 13, 2001 and thereafter)	2
+ 13 6 406	D	Trading or Collecting Skeletal Remains (Offense date - July 30, 1999 and thereafter)	2
+ 13 6 406	C	Trading or Collecting Skeletal Remains (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 56 101	D	Traffic in Illegal Food Coupons	2
5 27 304	C	Transportation/Distribution of Material Depicting Child (First Offense)	4
5 27 304	B	Transportation/Distribution of Material Depicting Child (Subsequent Offense)	5
5 27 305	C	Transportation of a Minor for Prohibited Conduct	5
5 51 201	A	Treason	6
+ 16 22 501	D	Unauthorized Practice of Law (Second Offense) (Offense date - August 1, 1997 and thereafter)	2
+ 12 12 1008	D	Unauthorized Use of Criminal History	1
5 74 105	B	Unauthorized Use Property to Facilitate Crime	5
+ 5 41 205	D	Unlawful Acts Involving Electronic Mail (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 202	C	Unlawful Acts Regarding Computers - Damage > \$500 (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 203	C	Unlawful Interference with Access to Computers (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 403	D	Unlawful Possession of Theft Detection Device Remover (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 402	D	Unlawful Possession of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 404	D	Unlawful Removal of Theft Detection Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 41 204	D	Unlawful Use of Encryption (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 401	D	Unlawful Use of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 66 117	D	Unlawful Wagering on Horse Racing	1
+ 17 16 102	D	Unlicensed Athletic Agent (Offense date - July 30, 1999 and thereafter)	1
+ 5 37 212	C	Using Slugs - Over \$100	1
5 51 204	B	Usurping Government	4
5 51 203	B	Usurping Office	4
5 11 105	C	Vehicular Piracy	4
* 5 16 101	D	Video Voyeurism (Offense date - July 30, 1999 and thereafter)	3
8 4 201	U	Violate Law Regulating Pollution Control Commission	2
23 39 105	B	Violate Mortgage Loan Co/Loan Broker Act	3
7 6 104	U	Violate Political Practices Act	1

+ 21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2
+ 16 84 114	D	Violation of Bail Bond Agent Law (Offense date - July 3, 1999 and thereafter)	2
+ 2 17 204	D	Violation of Grain Warehouse	1
+ 5 55 103	B	Violation of Medicaid Fraud Act	4
+ 5 55 103	C	Violation of Medicaid Fraud Act	3
5 14 120	C	Violation of a Minor I (Offense date - prior to August 13, 2001)	4
5 14 121	D	Violation of a Minor II (Offense date - prior to August 13, 2001)	3
+ 17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
5 73 204	U	Violation of Uniform Machine Gun Act	7
+ 18 29 204	D	Violation of Unused Property Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
5 74 108	A	Violent Group Activity, Enhanced	8
5 74 108	B	Violent Group Activity, Enhanced	7
5 74 108	C	Violent Group Activity, Enhanced	5
5 74 108	D	Violent Group Activity, Enhanced	3
5 74 108	Y	Violent Group Activity, Enhanced	9
5 26 301	B	Wife Battering I (Offense date - prior to July 28, 1995)	8
5 26 302	D	Wife Battering II (Offense date - prior to July 28, 1995)	4
+ 5 53 108	C	Witness Bribery	4
+ 11 9 106	D	Workers' Compensation Fraud (Employee Misrepresentation)	2
+ 11 9 107	D	Workers' Compensation Fraud (Employer Misrepresentation)	2

**OFFENSE SERIOUSNESS RANKING TABLE**  
**FOR ALL CRIMINAL OFFENSES BY RANKING**

<b><u>Statute #</u></b>	<b><u>Class</u></b>	<b><u>Name of Crime</u></b>	<b><u>Ranking</u></b>
<b><u>LEVEL 10</u></b>			
# 5 10 102	Y	Murder I	10
<b><u>LEVEL 9</u></b>			
5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation	9
5 13 210	Y	Introduction of C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and thereafter)	9
# 5 14 103	Y	Rape	9
# 5 38 202	Y	Causing a Catastrophe	9
5 64 414	Y	Continuing Criminal Enterprise	9
5 74 107	Y	Discharge of a Firearm From Car (First Degree)	9
5 74 108	Y	Violent Group Activity, Enhanced	9
<b><u>LEVEL 8</u></b>			
5 10 103	B	Murder II	8
# 5 11 102	Y	Kidnapping	8
# 5 12 103	Y	Aggravated Robbery	8
5 13 201	B	Battery I	8
5 13 310	Y	Terroristic Act	8
5 26 301	B	Wife Battering I (Offense date - prior to July 28, 1995)	8
5 26 303	A	Domestic Battering I (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	8
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - prior to August 1, 1997)	8
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - August 1, 1997 and after)	8
## 5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II >200 gms <400 gms	8
## 5 64 401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II >400 gms	8
5 64 406	Y	Distribution of Controlled Substance to a Minor	8
5 73 211	U	Perpetrating Crime with Machine Gun	8
5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	8
5 74 106	Y	Simultaneous Possession of Drugs and Firearms	8
5 74 108	A	Violent Group Activity, Enhanced	8

### LEVEL 7

5 12 102	B	Robbery	7
5 13 210	Y	Intro Controlled Substance into Body (Schedule I-II)	7
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - August 13, 2001 and thereafter)	7
5 14 124	A	Sexual Assault, First Degree (Offense date - August 13, 2001 and thereafter)	7
5 27 605	B	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - August 13, 2001 and thereafter)	7
5 38 301	A	Arson (>\$20,001 < \$100,000 Damage) (Offense date - prior to August 1, 1997)	7
5 38 301	A	Arson (>\$15,000 < \$100,000 Damage) (Offense date - August 1, 1997 and thereafter)	7
## 5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance Schedule I/II <28 gms	7
## 5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms	7
5 64 402	B	Failure to Keep Records-Drug Free Zone	7
5 73 204	U	Violation Uniform Machine Gun Act	7
5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	7
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	7
5 74 107	B	Discharge of a Firearm From Car (Second Degree)	7
5 74 108	B	Violent Group Activity, Enhanced	7

### LEVEL 6

5 10 104	C	Manslaughter	6
5 11 102	B	Kidnapping	6
5 14 104	A	Carnal Abuse I (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	6
5 14 123	A	Knowingly Exposing Another to HIV (Offense date prior to August 13, 2001)	6
5 14 125	B	Sexual Assault, Second Degree (Offense date - August 13, 2001 and thereafter)	6
5 26 202	A	Incest When Victim < 16	6
5 27 221	B	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	6
5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense)	6
5 27 402	B	Employ/Authorize Child <17 Sexual Performance (Subsequent Offense)	6
5 27 403	B	Produce/Direct Sexual Performance Child <17	6
5 27 602	B	Distributing, Possessing or Viewing Matter Depict Conduct Involve 6 Child (Second or Subq. Offense) (Offense date - August 13, 2001)	6

		and thereafter)	
5 27 603	B	Computer Child Pornography (Offense date - August 13, 2001 and thereafter)	6
5 28 103	B	Abuse of Adults	6
5 39 201	B	Burglary - Residential	6
5 51 201	A	Treason	6
5 54 121	B	Tampering With/Breaking Into Court Records (Offense date - July 30, 1999 and thereafter)	6
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent Schedule I - II	6
5 64 401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms	6
5 64 401.6	A	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date October 10, 1994 and thereafter)	6
## 5 64 403	B	Use of Paraphernalia to Manufacture Methamphetamine (Offense date - April 9, 1999 until April 30, 2002)	6
5 71 229	B	Stalking First Degree	6
5 74 104	B	Engaging in Continuing Gang Org. or Enterprise (First Degree)	6
5 74 104	A	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	6
5 74 203	B	Soliciting a Minor to Join a Gang (Second Offense) (Offense date - October 10, 1994 and thereafter)	6
8 7 204	U	Release of Hazardous Waste with Danger Of Death/Serious Bodily Injury	6

**LEVEL 5**

5 10 106	C	Physician-Assisted Suicide (Offense date - July 30, 1999 and thereafter)	5
5 11 105	B	Aircraft Piracy	5
5 11 106	B	Permanent Detention	5
5 13 210	B	Intro Controlled Substance into Body (Schedule I-III)	5
5 13 310	B	Terroristic Act	5
5 14 104	B	Carnal Abuse I (Offense date - prior to July 28, 1995)	5
5 14 105	C	Carnal Abuse II (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	5
5 14 108	C	Sexual Abuse I (Offense date - prior to August 13, 2001)	5
5 26 202	C	Incest	5
5 26 304	B	Domestic Battering II (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	5
5 27 221	C	Permitting Child Abuse	5
5 27 303	C	Engaging Child in Sex Explicit (First Offense)	5
5 27 304	B	Transportation/Distribution of Material Depicting Child (Subsequent Offense)	5
5 27 305	C	Transportation of a Minor for Prohibited Conduct	5

5 27 402	C	Employ/Authorize Child <17 Sexual Performance (First Offense)	5
5 27 605	C	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - August 13, 2001 and thereafter)	5
5 28 103	C	Abuse of Adults	5
+ 5 36 103	B	Theft of Property	5
+ 5 36 104	B	Theft of Services	5
+ 5 36 106	B	Theft by Receiving	5
+ 5 36 202	B	Theft of Public Benefits >\$2,500	5
+ 5 36 303	B	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 304	B	Theft - Wireless Services, Facilitating (Offense date - August 1, 1997 and thereafter)	5
+ 5 37 201	B	Forgery I	5
+ 5 37 302	B	Hot Check/Personal Services >\$2,500	5
5 38 301	B	Arson (< \$20,000 Damage) (Offense date - prior to August 1, 1997)	5
5 38 301	B	Arson (>\$5000 < \$15,000 Damage) (Offense date - August 1, 1997 and thereafter)	5
+ 5 39 201	C	Burglary - Commercial	5
5 54 105	B	Hindering Apprehension or Prosecution	5
5 54 107	B	Compounding	5
5 54 119	B	Furnishing Prohibited Articles	5
+ 5 54 120	C	Failure to Appear	5
5 54 125	C	Fleeing in Car with Serious Injury	5
5 64 401.2	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >28 gms <400 gms	5
5 64 401.3	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >200 gms <400 gms	5
5 64 401.5	B	Manufacture/Delivery/Possession Marijuana > 10 lbs < 100 lbs (Offense date - July 28, 1995 and thereafter)	5
5 64 403	B	Delivery Drug Paraphernalia to Anyone <18	5
5 64 1301	B	Possession of Anhydrous Ammonia in Unlawful Container (Offense date - July 30, 1999 and thereafter)	5
5 73 103	B	Possession Firearm by Certain Persons (Prior crime violent <u>or</u> present use to commit crime. Offense date - July 28, 1995 and thereafter)	5
5 73 103(c)B	B	Possession Firearm by Certain Persons (Offense date - August 31, 2001 and thereafter)	5
5 73 104	B	Criminal Use of Prohibited Weapons	5
5 73 108	B	Criminal in Possession of Explosives	5
5 73 129	B	Furnishing Deadly Weapon to Felon (Offense date October 10, 1994 and thereafter)	5
5 73 132	B	Sale, Rental, or Transfer of Firearm to Prohibited Person (Offense date - July 30, 1999 and thereafter)	5
(Sup pp. 75)			
5 74 104	B	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	5
5 74 105	B	Unauthorized Use Property to Facilitate Crime	5
5 74 108	C	Violent Group Activity, Enhanced	5

8 7 204 U Release of Hazardous Waste 5

**LEVEL 4**

5 10 105	C	Negligent Homicide (Offense date - July 30, 1999 and thereafter)	4
5 10 105	D	Negligent Homicide (Offense date - prior to July 30, 1999)	4
5 11 103	C	False Imprisonment I	4
5 11 105	C	Vehicular Piracy	4
5 13 202	D	Battery II	4
5 14 105	D	Carnal Abuse II (Offense date - prior to July 28, 1995)	4
5 14 126	C	Sexual Assault, Third Degree (Offense date - August 13, 2001 and thereafter)	4
5 14 120	C	Violation of a Minor I (Offense date - prior to August 13, 2001)	4
5 26 302	D	Wife Battering II (Offense date - prior to July 28, 1995)	4
5 26 304	C	Domestic Battering II (Offense date - July 30, 1999 and thereafter)	4
5 26 304	D	Domestic Battering II (Offense date - July 28, 1995 and thereafter)	4
+ 5 26 401	B	Non-support if owe >\$25,000 (Offense date - August 1, 1997 and thereafter)	4
5 27 221	D	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	4
5 27 304	C	Transportation/Distribution of Material Depicting Child (First Offense)	4
5 27 502	B	Fraud ID Unlawful to Manufacture (Second Offense)	4
5 27 602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve Child (Offense date - August 13, 2001 and thereafter)	4
5 27 605	D	Computer Exploitation of a Child - Second Degree (Offense date - August 13, 2001 and thereafter)	4
5 28 103	D	Abuse of Adults	4
+ 5 36 115	B	Theft of Leased/Rented Property	4
* 5 38 205	C	Impairing Operation of Vital Public Facility	4
* 5 38 301	C	Arson (>\$2,500 < \$5,000 Damage) (Offense date August 1, 1997 and after)	4
+ 5 42 204	C	Criminal Use/Laundering Proceeds	4
5 51 202	U	Subversive Activities	4
5 51 203	B	Usurping Office	4
5 51 204	B	Usurping Government	4
+ 5 53 102	C	Perjury	4
+ 5 53 108	C	Witness Bribery	4
* 5 53 109	C	Intimidating a Witness	4
+ 5 53 111	D	Tampering With Physical Evidence	4



* 5 53 112	D	Retaliation against Certain Informants (Offense date August 1, 1997 and after)	4
+ 5 53 113	D	Juror Bribery	4
* 5 53 114	C	Intimidating a Juror	4
+ 5 53 115	D	Jury Tampering	4
5 54 104	C	Interfering With Law Enforcement Officer	4
* 5 54 105	C	Hindering Apprehension or Prosecution	4
5 54 110	C	Escape I	4
+ 5 54 113	C	Permitting Escape I	4
* 5 54 117	C	Furnishing Implement for Escape	4
* 5 54 119	C	Furnishing Prohibited Article	4
+ 5 54 121	C	Tampering With Court Records (Offense date - July 30, 1999 and thereafter)	4
5 54 127	B	Officer Failing to Execute Process	4
+ 5 55 103	B	Violation of Medicaid Fraud Act	4
5 64 401.1	B	Manufacture, Etc. Controlled Substance Schedule I/II/III <28 gms.	4
+ 5 64 401.2	C	Manufacture/Etc. Controlled Substance Schedule IV/V >200 gms <400 gms	4
+ 5 64 401.3	C	Manufacture/Etc. Controlled Substance Schedule IV/V >400 gms	4
+ 5 64 401.4	C	Possession of Controlled Substance Schedule I/II	4
+ 5 64 401.5	C	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - prior to July 28, 1995)	4
+ 5 64 401.6	C	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - prior to October 10, 1994)	4
5 71 204	B	Arming Rioter	4
5 71 229	C	Stalking Second Degree	4
5 73 109(b)	B	Furnishing Illegal Weapon to Minor (Offense date - October 10, 1994 and thereafter)	4
* 5 73 119	D	Possession of Firearm on Public School Property or Bus (Offense date - July 30, 1999 and thereafter)	4
5 74 104	C	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	4
5 74 203	C	Soliciting a Minor to Join a Gang (First Offense) (Offense date - October 10, 1994 and thereafter)	4
+ 13 6 408	C	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	4
+ 23 39 104	B	False Security Statement	4
+ 23 42 507	B	Securities Fraud	4

### LEVEL 3

3 3 202	U	Alcoholic Beverage to Minor (Second Offense)	3
+ 3 3 202	C	Sale of Alcoholic Beverage to Minor (New, Second Offense Within 5 year)	3

5 11 106	D	Permanent Detention	3
5 13 204	D	Aggravated Assault	3
5 13 210	C	Intro Controlled Substance into Body (Schedule IV-V)	3
5 13 211	D	Aggravated Assault on Correction Officer (Offense date - August 1, 1997 and thereafter)	3
5 14 106	D	Carnal Abuse III (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	3
5 14 110	D	Sexual Solicitation of a Child (Offense date July 28, 1995 and thereafter)	3
5 14 110	D	Sexual Indecency with a Child (Offense date - August 13, 2001 and thereafter)	3
5 14 121	D	Violation of a Minor II (Offense date - prior to August 13, 2001)	3
* 5 16 101	D	Video Voyeurism (Offense date - July 30, 1999 and thereafter)	3
5 17 101	D	Death Threat Concerning School Employee Or Student (Offense date - August 13, 2001 and thereafter)	3
5 26 304	D	Aggravated Assault on Wife I (Offense date - prior to July 28, 1995)	3
5 26 305	D	Domestic Battering III (Second Offense) (Offense date - July 28, 1995 and thereafter)	3
5 26 305	D	Domestic Battering III (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
5 26 306	D	Aggravated Assault on Family/Household Member (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 401	C	Non-Support if owe > \$10,000, <\$25,000 (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support if owe >\$2,500; if at least 4 Months of Support (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support (Offense date - prior to July 30, 1999)	3
+ 5 26 502	C	Interference with Custody (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 502	D	Interference with Custody (Offense date - prior to July 28, 1995)	3
+ 5 26 502	D	Interference with Court Ordered Custody (Offense date - July 28, 1995 and thereafter)	3
5 27 201	D	Endangering Welfare of Incompetent I	3
5 27 203	D	Endangering Welfare of a Minor I	3
+ 5 27 229	D	Soliciting Money/Property from Incompetent	3
+ 5 27 502	C	Fraud ID Unlawful to Manufacture (First Offense)	3
+ 5 36 103	C	Theft of Property (Offense date - prior to July 28, 1995)	3
+ 5 36 103	C	Theft of Property >\$500 (Offense date - July 28, 1995 and thereafter)	3
+ 5 36 103	D	Theft of Property During a Period of Emergency (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 104	C	Theft of Services	3
+ 5 36 106	C	Theft by Receiving	3

+ 5 36 115	C	Theft of Leased/Rented Property	3
+ 5 36 202	C	Theft of Public Benefits >\$200 <\$2500	3
+ 5 36 303	C	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	3
+ 5 36 304	C	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	3
+ 5 37 201	C	Forgery II	3
+ 5 37 207	C	Fraudulent Use of a Credit Card	3
+ 5 37 209	C	Possession of Forgery Device	3
+ 5 37 227	D	Financial Identity Fraud (Offense date - July 30, 1999 and thereafter)	3
+ 5 37 302	C	Hot Check/Personal Services(>\$200 <\$2,500)	3
5 37 502	B	Marking/Altering Brand of Animal	3
+ 5 38 203	C	Criminal Mischief I	3
* 5 38 301	D	Arson (>\$500 < \$2,500 Damage) (Offense date - August 1, 1997 and thereafter)	3
+ 5 39 202	D	Breaking or Entering	3
+ 5 41 202	C	Unlawful Acts Regarding Computers - Damage > \$500 (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 203	C	Unlawful Interference with Access to Computers (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 204	D	Unlawful Use of Encryption (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 205	D	Unlawful Acts Involving Electronic Mail (Offense date - August 13, 2001 and thereafter)	3
+ 5 52 103	D	Public Servant Bribery	3
* 5 54 105	D	Hindering Apprehension or Prosecution	3
+ 5 54 107	C	Compounding	3
5 54 116	C	Aiding Unauthorized Departure	3
* 5 54 117	D	Furnishing Implement for Escape	3
* 5 54 118	C	Furnishing Implement for Unauthorized Departure	3
5 54 125	D	Fleeing with Serious Injury	3
5 54 125	D	Fleeing in Vehicle Causing Danger (Offense date - July 28, 1995 and thereafter)	3
+ 5 54 127	C	Officer Failing to Execute Process	3
+ 5 55 103	C	Violation of Medicaid Fraud Act	3
+ 5 64 401	C	Possession Control/Counterfeit Substance W/O Prescription (Third Offense)	3
+ 5 64 401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V <200 gms	3
+ 5 64 401.7	C	Manufacture/Delivery/Possession Marijuana <10 lbs	3
+ 5 64 401.9	C	Possession/Etc. Counterfeit Substance w/Intent Schedule I-V	3
+ 5 64 403	C	Delivery/Possession/Manufacture, Etc Drugs	3
+ 5 64 415	D	Drug Precursors	3
+ 5 64 417	C	Communication Facility, Illegal Use of	3
+ 5 64 802	C	Conduct Illegal Drug Paraphernalia Business (Third Offense)	3
+ 5 64 1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc with Intent To Manufacture (Offense date - August 13, 2001 and thereafter)	3
+ 5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)	3
5 70 104	D	Promoting Prostitution (First Degree)	3

	5 71 202	D	Aggravated Riot	3
	5 71 203	D	Inciting Riot	3
*	5 71 210	D	Communicating False Alarm to an Educational Institution (Offense date - August 13, 2001 and thereafter)	3
+	5 71 215	C	Defacing Objects of Public Respect Damage > \$2,500	3
	5 71 302	C	Promoting Civil Disorder (First Degree)	3

5 73 103	B	Possession Firearm by Certain Persons (Offense date - October 10, 1994-July 28, 1995; <u>no</u> Class D during this period)	3
5 73 104	D	Criminal Use of Prohibited Weapons	3
* 5 73 119	D	Possession of Handgun on Public School Property or Bus (Offense date - prior to July 30, 1999)	3
* 5 73 122	D	Possessing Handgun in Courtroom (Offense date - August 1, 1997 and thereafter)	3
5 73 131	D	Possession of Weapon by Incarcerated Person (Offense date - July 28, 1995 and thereafter)	3
5 74 108	D	Violent Group Activity Enhanced	3
8 7 204	U	Hazardous Waste/Violation of Provisions	3
+ 9 9 206	C	Accepting Compensation for Adoption	3
+ 12 12 504	D	False Allegations of Child Abuse (Second Offense) (Offense date - August 1, 1997 and thereafter)	3
+ 13 6 406	C	Trading or Collecting Skeletal Remains (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 407	C	Display of Skeletal Remains (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 408	C	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	3
23 39 105	B	Violate Mortgage Loan Co/Loan Broker Act	3
+ 23 40 106	D	Failure to Deposit Funeral Trust Funds (Offense date - July 30, 1999 and thereafter)	3
+ 23 66 502	C	Fraudulent Insurance Act (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3

## LEVEL 2

+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
4 90 201	U	Odometer Fraud (Offense date - July 28, 1995 and thereafter)	2
5 13 301	D	Terroristic Threatening I	2
5 14 112	D	Indecent Exposure to Person <12 (Offense date - August 1, 1997 and thereafter)	2
5 14 112	D	Indecent Exposure, (Second and Subsequent Offense) (Offense date - August 13, 2001 and thereafter)	2
5 26 203	D	Concealing Birth (Offense date- August 13, 2001 and thereafter)	2
+ 5 26 501	D	Interference with Visitation	2
+ 5 28 216	D	Making False Notification of Adult Abuse (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 5 36 103	D	Theft of Property	2
+ 5 36 103	D	Theft of Property During a Criminal Episode (Offense date - August 13, 2001 and thereafter)	2

+ 5 36 105	D	Theft of Property Lost/Mislaid/Delivered by Mistake	2
+ 5 36 115	D	Theft of Leased/Rented Property	2
+ 5 36 401	D	Unlawful Use of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 402	D	Unlawful Possession of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 403	D	Unlawful Possession of Theft Detection Device Remover (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 404	D	Unlawful Removal of Theft Detection Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 37 208	D	Criminal Impersonation I (Offense date - August 1, 1997 and thereafter)	2
+ 5 37 403	D	Manufacture/Sale of De-scrambling Devices (Offense date - August 1, 1997 and thereafter)	2
+ 5 37 502	C	Marking/Altering Brand of Animal	2
5 38 202	D	Threatening to Cause a Catastrophe	2
+ 5 38 204	D	Criminal Mischief II	2
* 5 38 302	D	Reckless Burning	2
5 38 311	U	Setting Fire w/Intent to Let Escape	2
+ 5 39 401	D	Destroying or Taking Cemetery Marker (Offense date - August 1, 1997 and thereafter)	2
+ 5 41 206	D	Computer Password Disclosure (Offense date - August 13, 2001 and thereafter)	2
5 51 303	U	Intentional Injury to, Interference With Government Property	2
5 51 304	U	Intentional Defective Workmanship	2
+ 5 53 133	D	Approaching Jury Commissioner	2
+ 5 54 106	D	Aiding Consummation of Offense	2
+ 5 54 107	D	Compounding	2
* 5 54 111	D	Escape II	2
+ 5 54 121	D	Tampering With Public Record - Wrongdoing	2
+ 5 54 122	D	Filing False Report of Crime	2
5 54 125	D	Fleeing (Offense date - prior to July 28, 1995)	2
5 54 126	D	Killing Animal Used by Law Enforcement Agency	2
* 5 54 127	D	Officer Failing to Execute Process	2
+ 5 54 131	D	Absconding	2
+ 5 55 104	D	Non-Maintenance of Medicaid Records	2
+ 5 56 101	D	Traffic in Illegal Food Coupons	2
5 61 101	D	Inducing Abortion W/O Medical License	2
5 61 102	U	Abortion	2
5 61 203	D	Performing Partial Birth Abortion (Offense date - August 1, 1997 and thereafter)	2
+ 5 62 124	D	Bear Exploitation	2
+ 5 64 401	D	Possession Control/Counterfeit Substance W/O Prescription (Second Offense)	2
+ 5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent Unclassified Schedule	2
+ 5 64 402	D	Failure to Keep Records, Etc. Drugs	2
+ 5 64 403	D	Non-controlled Substance Rep as Class Controlled Substance	2

+ 5 64 802	D	Conduct Illegal Drug Paraphernalia Business (Second Offense)	2
+ 5 64 1101	D	Possess> 5 grams Ephedrine (Offense date - August 1, 1997 and thereafter)	2
+ 5 64 1102	D	Possess With Intent to Manufacture (Offense date - August 1, 1997 and thereafter)	2
+ 5 66 115	D	Bribery of a Sports Participant	2
5 68 203	U	Sale or Possession of Obscene Film	2
5 68 303	D	Promoting Obscene Materials	2
5 68 304	D	Promoting Obscene Performance	2
5 68 305	C	Obscene Performance at Live Public Show	2
5 68 307	D	Public Display of Hardcore Sex Conduct	2
5 68 405	U	Sale/Distribution of Obscene Material	2
+ 5 71 210	D	Communicating False Alarm	2
5 71 211	D	Threatening A Fire Bombing	2
+ 5 71 215	D	Defacing Objects of Public Respect Damage >\$500 <\$2,500	2
5 72 109	U	Injuring Levee	2
5 73 103	D	Possession Firearm by Certain Persons (Offense date - prior to October 10, 1995, <u>no</u> Class B during this period)	2
+ 5 73 103	D	Possession Firearm by Certain Persons (Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28, 1995, and thereafter)	2
+ 5 73 106	D	Defacing a Firearm	2
+ 5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable (Offense date - July 28, 1995 and thereafter)	2
* 5 73 119	D	Possession of Firearm by Juvenile Delinquent (Offense date - October 10, 1994 and thereafter)	2
5 73 126	D	Booby Trap Unlawful to Install/Maintain	2
* 5 75 102	D	Aircraft DWI (Second Offense Within One Year)	2
+ 7 1 104	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
7 5 411	U	False Statements on Voting Affidavits (Offense date - August 1, 1997 and thereafter)	2
+ 7 5 702	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
+ 7 9 109	D	False Information on Petition Verification (Offense date - August 1, 1997 and thereafter)	2
8 4 201	U	Violate Law Regulating Pollution Control Commission	2
+ 11 9 106	D	Workers' Compensation Fraud (Employee Misrepresentation)	2
+ 11 9 107	D	Workers' Compensation Fraud (Employer Misrepresentation)	2
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 and thereafter)	2
12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 and thereafter)	2
+ 13 6 406	D	Trading or Collecting Skeletal Remains (Offense date - July 30, 1999 and thereafter)	2
+ 15 32 603	D	Timber Theft (Offense date - August 13, 2001 and thereafter)	2
+ 16 22 501	D	Unauthorized Practice of Law (Second Offense)	2

(Offense date - August 1, 1997 and thereafter)



+ 16 84 114	D	Violation of Bail Bond Agent Law (Offense date - July 30, 1999 and thereafter)	2
+ 17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 18 29 204	D	Violation of "Unused Property" Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2
+ 23 42 507	D	Securities Fraud	2
+ 23 66 502	D	Fraudulent Insurance Acts (Offense date - August 1, 1997 and thereafter)	2
23 69 134	U	Removal of Insurance Records (Offense date - July 30, 1999 and thereafter)	2
27 14 2212	U	Mutilating Serial Numbers, Vehicles	2
+ 27 52 102	D	Interfere With Traffic Control Device	2
27 53 101	D	Failure to Stop After Accident With Injury or Death	2
+ 27 116 502	C	Operating Aircraft Without Identification Markings	2

### LEVEL 1

+ 2 17 204	D	Violation of Grain Warehouse	1
+ 3 3 402	D	Illicit Still	1
3 8 312	U	Alcoholic Beverage Sale/Possession Trade in Dry County	1
5 15 102	U	Slander-Adultery/Fornication	1
5 15 103	U	Slander-False Swearing	1
5 15 104	U	Slander-Proclaiming One as a Coward	1
5 15 105	U	Slander	1
+ 5 37 203	D	Defrauding Secured Creditors	1
+ 5 37 204	D	Fraud in Insolvency	1
+ 5 37 210	D	Obtaining Signature by Deception	1
+ 5 37 211	D	Defrauding Judgment Creditors	1
+ 5 37 212	C	Using Slugs - Over \$100	1
+ 5 37 213	D	Criminal Simulation	1
+ 5 37 502	D	Marking/Altering Brand of Animal	1
5 37 503	U	False Registration - Pedigree Animal	1
+ 5 37 524	D	Fraud in Acquire/Auth to Provide MV Trans	1
+ 5 37 525	D	Defrauding Material Man >\$5,000	1
5 39 211	U	Mining in a Cemetery	1
+ 5 41 103	D	Computer Fraud	1
+ 5 41 104	D	Computer Trespass (>\$2,500 Damage)	1
5 51 403	U	Communist Party Organization	1
+ 5 51 404	D	Failure to Register Communist Party Member/ Organization Overthrow Government	1
+ 5 56 102	D	Illegal Use Etc. of Food Coupons	1
+ 5 56 103	D	Illegal Use of Food Coupons	1
5 60 101	D	Abuse of Corpse	1
5 60 111	D	Communicating False Alarm by Radio	1
+ 5 62 120	D	Dogfighting - (First Offense)	1

	5 66 103	U	Keeping a Gambling House	1
+	5 66 117	D	Unlawful Wagering on Horse Racing	1
+	5 66 119	D	Promotion or Operation of Lottery	1
	5 72 111	U	Making Cut-offs on the River	1
*	5 77 201	D	Illegal Purchase or Sale of Blue Lights (Offense date - August 1, 1997 and thereafter)	1
+	7 6 102	D	Person With Record Signing Political Pledge	1
	7 6 104	U	Violate Political Practices Act	1
	8 7 205	U	Leave/Remove Self After Violate HWM Act	1
	12 12 212	U	Rept/Willful Release Unauthorized Person	1
+	12 12 1008	D	Unauthorized Use of Criminal History	1
	15 43 317	U	Killing Fish w/Intoxicant Stup Substance	1
+	17 16 102	D	Unlicenced Athletic Agent (Offense date - July 30, 1999 and thereafter)	1
	17 20 103	U	Precious Metals, Violate Buyers Act	1
	18 44 101	U	Failure to Discharge Lien	1
	20 23 403	U	Failure to Inspect Boilers (Offense date - July 30, 1999 and thereafter)	1
	20 60 210	U	Failure to Label Narcotic	1
	20 60 214	U	Sale/Disp Adulterated/Uninspected Meat	1
	20 64 217	U	Fraud/Deceit Procure Narcotic	1
	23 35 805	U	Spread False Report About Credit Union	1
	26 18 202	U	Failure to Pay or File Tax Return	1
	27 14 307	U	False Evidence Title or Registration	1
+	27 53 103	D	Duty to Give Info or Render Aid	1

## **ADDENDUM TO SERIOUSNESS REFERENCE TABLE**

**A.C.A.16-90-803(b)(2)Offender History** - provides that the criminal history score based upon prior felony criminal records is to be determined by reference to the seriousness level rankings of the prior offenses. Levels I - V are equal to one-half (.5) point and Levels VI - X are equal to one (1) point.

### **CRIMINAL HISTORY: OUT-OF-STATE CONVICTIONS**

For the purpose of determining criminal history scores, prior felony convictions from other state jurisdictions shall be ranked at the level of the most comparable offense in this State. The determination of which Arkansas offense is comparable to the out-of-state offense when there is a question of fact or law, shall reside in the sound discretion of the court.

### **CRIMINAL HISTORY: REDEFINED OFFENSES**

If an offense has been redefined by the Arkansas General Assembly, a prior felony conviction shall be ranked in the same manner as an out-of-state conviction with consideration of any new or removed elements. For example, the prior definition of burglary in Arkansas did not specify the element of the type of occupiable structure, i.e. residential or commercial, sentencing courts should determine when possible whether a prior conviction for burglary involved a residence in which case one criminal history point should be assigned as the prior offense is comparable to residential burglary (Level VI) or involved a commercial structure in which case one-half point should be assigned as the prior offense is comparable to commercial burglary (Level V).

### **OMITTED OFFENSES POLICY**

If a felony offense has been inadvertently omitted from the seriousness reference table, the trial court shall exercise its discretion by designating a seriousness level which it believes to be appropriate.

# Related Information

Frequently Asked Questions

Critical Data Elements on Commitment Forms

Criminal Justice Related Agencies

Departure Form

Criminal History Worksheet

## Frequently Asked Questions (FAQs)

### **Admission Problems with Department of Correction**

It is critical that judgment and commitment forms are accurately prepared. See *Critical data elements on Commitment forms* at the end of this section. The DOC intake procedure includes faxing a copy of completed, signed commitment forms to them for the offender to be placed on the waiting list. The forms are checked for sufficiency and omissions need to be corrected before the DOC can take custody of an offender. Training is available from Commission staff on completing forms.

### **Admission Problems with Department of Community Correction**

Offenders being sent to DCC facilities must be target offenders and must not have been disqualified by prior felony convictions of a violent or sexual nature to be accepted in a facility. Local DCC officers will determine eligibility of an offender if contacted prior to sentencing. Different forms are used for the two types of admission: (1) Judgment and Disposition Orders are used for a term of confinement imposed as a condition of probation and (2) Judgment and Commitment forms are used for a “judicial transfer”. The DCC Court Referral Coordinator may be reached by telephone at (501) 682-9563.

### **Departure Report Forms**

#### ***When do you use them and when do you not? Where do they go?***

Departure report forms are required whenever the sentence in a case is a departure from the grid. This may be a dispositional or a durational departure. It is only for the most serious count in a multiple count case. An aggravating reason should be marked if it is an upward departure and a mitigating reason should be marked if it is a downward departure. The original should be filed with the court file, a copy sent to the Sentencing Commission and a copy should accompany the offender to any correctional facility. Most jurisdictions have either the prosecuting attorney’s office or the court clerk send the Commission a copy. Departure Reports are not required for revocation proceedings. However, the judgment and commitment form must state that this commitment is a result of a revocation or the Department of Correction will require a Departure Report. Please call the Sentencing Commission at (501) 682-5001 with questions concerning departure reports.

### **Early release from prison**

#### ***Are the offenders really being kept until their transfer eligibility dates?***

Yes, the only exceptions are the Emergency Powers Act (A.C.A. 12-28-601 et seq.) which may shorten a sentence by no more than three months and Boot Camp (A.C.A. 12-28-701 et seq.) Certain offenses are not eligible for boot camp and no offender with a sentence longer than ten years is eligible.

### **Release Eligibility**

There are three levels and two standards for release eligibility. The three levels are: 1) 70% time served as defined at A.C.A. 16-93-611; 2) one-half and 3) one-third time served with credit for good time as defined at A.C.A. 16-93-1301 and found on the sentencing grid.

### **Release Eligibility - Standards of Review with 1999 Amendments**

The two standards are set out at A.C.A. 16-93-206(b)(2)(B) with the Post Prison Transfer Board being given greater discretion in their review of certain offenses. See A.C.A. 16-93-206(C). Act 1035 of 1999 added certain violent and sexual offenses and removed certain drug offenses. The crimes added are: Murder II, Manslaughter, Negligent Homicide, Sexual Abuse I, Battery I, Domestic Battery I, and Simultaneous Possession of Drugs and Firearms.

### **70% Parole Eligibility**

Certain offenses will serve 70% of their prison sentence without credit for good time. These offenses are noted on the grids. It is important that Manufacturing Methamphetamine and Drug Paraphernalia Used to Manufacture Methamphetamine be specifically noted on the Judgment and Commitment as it is a subset of the statute and the DOC will not know to apply this release criteria unless it is noted on the commitment. The Methamphetamine offenses were originally scheduled to sunset on April 30, 2002. However, Act 1782 of 2001 repealed the sunset provisions. (See A.C.A. 29-30-162 and 29-30-163). Act 717 of 1999 provides this statute may be waived for juveniles convicted as adults who were merely accomplices.

### **Habitual Offenders - “Two and Three Strikes”**

The “two and three strikes” sections of the habitual offender statute, subsections (c) and (d), must also be specifically noted on commitments for the DOC to be aware of their applicability.

### **Act 346 of 1975      First Offender Act      Codified at A.C.A.16-93-301 et seq.**

*What is it? How has it changed? Do the standards affect it? How often can it be used?*

The “First Offender Act” applies to first offenders who are placed on probation and who are eligible for expungement upon successful completion of their probation term. In general, it has not changed significantly since its original enactment. The standards do not affect it. It can only be used once.

### **Act 378 of 1975      Alternative Service Act      Repealed by identical Acts 531 and 548 of 1993; previously codified at A.C.A.16-93-501**

*What happened to it?*

The “Community Punishment Act” repealed and replaced Act 378. The primary differences are that the Community Punishment Act affects “target offenders” and expungement is performed by the courts, not the Parole Board. Otherwise, the Department of Community Correction now offers confinement as an alternative to the prison beds run by the Department of Correction.

### **Act 998 of 1995      Expungement      Codified at A.C.A.16-90-901 et seq.**

*When and how can a conviction be expunged?*

Clarification of when and how convictions may be expunged or sealed was addressed by this Act in 1995. It provides for new procedures which include a uniform petition and order developed by the Arkansas Crime Information Center. It is important that expungements be entered with all necessary information on a copy of the ACIC order for ACIC, the central repository of records, to know the correct record to seal.

### **Firearms, Expungement, and Pardons**

No person shall possess a firearm who has been convicted of a felony. A.C.A. 5-73-103(a)(1). The Governor may restore this privilege with a pardon expressly restoring the right or without a

pardon under certain circumstances. A.C.A. 5-73-103(d). An expunged conviction may not serve as the basis for a charge under this statute. See *Irvin v. State* 301 Ark 416, 784 S.W. 2d 763 (1990); see also Attorney General opinions 94-148 and 94-080.

### **Inchoate Crimes**

**Codified at A.C.A.5-3-101 et seq.**

***How are inchoate crimes affected by the standards and Community Correction? How should inchoate crimes be listed on commitment forms?***

Attempt, solicitation or conspiracy of a substantive crime are ranked one seriousness level below the substantive offense ranking on the grid. See A.C.A.16-90-803(b)(1)(E). This would have a dual effect for crimes just above the transfer eligibility line as crimes just below the line will be eligible for release sooner as well as having a different presumptive sentence. An inchoate crime for statutory classification purposes is classified one level below the substantive offense, i.e. an inchoate of a Class B offense is a Class C. See A.C.A.5-3-201, 301, and 404. This effect may be significant for eligibility for a Community Correction facility as Class C offenses which are not violent or sexual in nature are eligible whereas as some Class B offenses are not. See A.C.A.16-93-1202. The substantive crime and the inchoate status of that crime should both be noted on the commitment forms.

### **Suspended Sentences**

**See A.C.A.5-4-104(e)(1)and (3)(Repl.1997)**

***What does a suspended sentence mean when it is combined with a term of imprisonment and how should it be entered on a commitment form?***

A court may sentence a defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment. See A.C.A.5-4-104(e)(3) A court may not sentence a defendant to a term of imprisonment and place him on probation, *id.*, nor may a court suspend execution of a sentence. A.C.A.5-4-(e)(1)(B)(ii). An additional term which is suspended begins to run the day the defendant is lawfully set at liberty from the imprisonment. A.C.A.5-4-307(c). A term of imprisonment and a suspended imposition of an additional term should not be added together when entering the "sentence imposed" on a commitment form.

### **Commitment and Dispositions Forms**

**See A.C.A.16-90-402**

***Who is responsible for judgment and commitment forms?***

Accurate commitment forms are essential for the Department of Correction to determine how long to keep a particular offender on a particular offense and when he may be eligible for release. A uniform form is the responsibility of the Department of Correction, the Arkansas Judicial Council and the Arkansas Prosecuting Attorneys' Association. The Arkansas Supreme Court adopted Administrative Order Number 8 - Forms for Reporting Case Information in all Arkansas Trial Courts on February 26, 1996. This Order makes the office of the prosecuting attorney responsible for completion of Judgment and Commitment and Judgment and Disposition forms.

Following submission to the circuit judge for his signature, these forms are filed with the circuit clerk and a copy forwarded to the Administrative Office of the Courts. A certified copy of a Judgment and Commitment is to be delivered by the sheriff with the defendant to the Department of Correction.

If a Departure Report is prepared, a copy of the judgment and commitment should be attached to the Departure Report when it is sent to the Sentencing Commission. In an effort to eliminate some of the time-consuming paperwork, the Sentencing Commission will begin notifying

Prosecutors' offices when a Departure Report has been unnecessarily prepared.



**Victims Rights Act 1262 of 1997****See A.C.A.16-90-1101 (Repl. 1997)*****What are the rights of victims?***

Much of this Act has to do with the availability of information about an offender's case and any confinement. The Arkansas Crime Information Center received a grant to put in place a notification system which is called VINE. See A.C.A. 12-12-1201. This program completed implementation in July of 1999 and may be reached by calling 1-800-510-0415.

Crime Victims Reparations is covered at A.C.A.16-90-701 et seq.

**Can Class Y drug offenders be placed on probation?**

Yes. See *Elders v. State*, 321 Ark. 60, 900 S.W.2d 170 (1995); *Stinnett v. State*, 63 Ark. App. 72, 973 S.W.2d 826 (1998). Confusion has arisen as A.C.A. 5-4-104(e)(1)(C) provides that Class Y felonies may not be suspended or placed on probation. Prior to Act 192 of 1993, A.C.A. 5-4-104(e)(1)(F) provided:

(e)(1) The court shall not suspend imposition of sentence as to a term of imprisonment nor place the defendant on probation for the following offenses:

(F) Drug related offenses under the Uniform Controlled Substances Act, 5-64-101 et seq. except to the extent that probation is otherwise permitted under subchapters 1-6 of chapter 64.

Act 192 of 1993 deleted (F). The *Elders* and *Stinnett* cases interpret Act 192 to mean that drug offenders can be placed on probation as they were removed from the prohibition in A.C.A. 5-4-104

**DNA Detection of Sexual and Violent Offenders Act****Act 737 of 1997**

This act set up a DNA database and a DNA data bank under the State Crime Laboratory to assist in "detecting recidivist acts." A.C.A. 12-12-1102. A person adjudicated guilty or delinquent for the commission of certain sex offenses or violent offenses shall have a DNA sample drawn. Act 218 of 2001 added residential burglary and commercial burglary to those offenses which require a DNA sample. See A.C.A. 12-12-1103(10) and (11) for the list of offenses.

**Sex Offender Registration**

Act 202 of 2001 amends A.C.A. 12-12-906(a)(1) and (c)(1). If the offender is sentenced to incarceration in the Department of Correction, it is the responsibility of DOC to assure that the offender completes the registration form. If the offender is adjudicated guilty but not incarcerated, the Department of Community Correction has the responsibility to assure that the offender completed the registration form. Offenders must provide a DNA sample.

**Extended Juvenile Jurisdiction Act****A.C.A. 9-27-501 et.seq.**

This act provides for "blended sentencing," and modifies existing juvenile jurisdictional statutes.

**Sentencing Alerts**

The staff of the Commission occasionally sends out Sentencing Alerts when a change in law, policy or practice occurs which affects all criminal justice practitioners. These alerts are sent to all judges, prosecutors, public defenders and a mailing list of other interested parties. Act 1179 of 2001 clarifies that sentencing guidelines do not apply to probation revocation proceedings. This legislation was enacted in response to the Arkansas Supreme Court's decision in *Martin v. State*, 337 Ark. 451, 989 SW2d 908 (1999), finding that the guidelines did apply. The judgment and commitment from must state that this commitment is a result of a revocation or DOC will

require a departure report.

**Acts of 2001. Sentencing Changes**

Numerous acts created new crimes, new classifications, new enhancements and new definitions. All of these acts have been incorporated into the rankings in this book. A separate listing of these acts by act number may be obtained from the Commission upon request. You may also find information concerning sentencing guidelines at our web site: [www.state.ar.us/asc](http://www.state.ar.us/asc).

**More Questions????**

**Call (501)682-5001 or  
[e-mail:sandy.moll@mail.state.ar.us](mailto:sandy.moll@mail.state.ar.us)**

## **Critical data elements on Commitment forms - which are often omitted or incorrect**

Department Of Correction - the commitment form provides the DOC with their legal basis for taking custody of an inmate. The basic information which they must have is: that they have the right person (identification information - name, DOB, race, gender, etc); why they can keep him (his crime); how long to keep him; when to release him; and the authority committing him (the court, the case, etc.). *This is not an all inclusive list, but is prepared for form instruction purposes only.*

The following data elements are often omitted or incorrect and result in amendments being necessary and delays incurred.

1. Offense date - release laws are determined by the date of the offense. Without an offense date, release eligibility cannot be determined.
2. Offense classification - release eligibility may be determined by their offense class  
Transfer eligibility - whether an offense is above or below the transfer eligibility line may be determined by the class of the offense  
Drug offenses - the schedule of the drug may affect the class and release eligibility  
Inchoate offenses - solicitation, attempt and conspiracy are one class lower than the substantive crime which may affect their release eligibility  
Misdemeanors - persons cannot be committed to the DOC for misdemeanors
3. Inchoate offenses - citing the inchoate statute without the substantive offense does not give sufficient information on why the person is being committed
4. Total time to serve - this is necessary to determine how long the offender is to be held - it is especially important to avoid problems when additional suspended sentences are imposed and when multiple counts or cases are run consecutively
5. Criminal History Scores - missing or inaccurate criminal history scores could cause perceived disparities where none exist.
6. Departure reports - without a departure report, an offender may be released early.

Department of Community Correction - “Judicial transfers” are commitments to the DOC with a transfer to the DCC by the judge. The offenders go directly to the DCC and are released from there. Commitments need to reflect a judicial transfer in three places:

1. “Defendant is assigned to...”
2. “Defendant committed a target offense...”
3. “The County Sheriff is hereby ordered...”

## **Criminal Justice Related Agencies**

### **Arkansas Sentencing Commission (ASC)**

101 East Capitol, Suite 450  
Little Rock, AR 72201  
(501) 682-5001 Voice; (501) 682-5018 Fax.  
Ms. Sandy Moll, Executive Director

Contact this agency for questions regarding the sentencing standards; to request Departure Reports; schedule training on sentencing standards, etc.

### **Administrative Office of the Courts (AOC)**

Justice Building  
625 Marshall  
Little Rock, AR 72201  
(501) 682-9400 Voice; (501) 682-9410 Fax  
J. D. Gingerich, Director

Contact this agency for information on Judgment and Commitment/Disposition formats.

### **Arkansas Crime Information Center (ACIC)**

One Capitol Mall  
Little Rock, AR 72201  
(501) 682-2222 Voice; (501) 682-7444  
David Eberdt, Director

ACIC training, criminal history reports, fingerprinting information, sex offender registration, etc.

### **Arkansas Public Defender Commission (APDC)**

101 East Capitol, Suite 201  
Little Rock, AR 72201  
(501) 682-9070 Voice; (501) 682-9073 Fax  
Ms. Didi Sallings, Executive Director

### **Office of Prosecutor Coordinator (PCO)**

Tower Building, Suite 750  
323 Center Street  
Little Rock, AR 72201  
(501) 682-3671 Voice; (501) 682-5004 Fax  
Bob McMahan, Prosecutor Coordinator

## **Correctional Agencies**

### **Board of Correction**

P. O. Box 8707  
Pine Bluff, AR 71617  
(870) 267-6754  
Dr. Mary Parker, Chairman  
Contact: Ms. Shari Gray, Board secretary

Governing board for both the Department of Correction and the Department of Community Correction

### **Department of Correction (DOC or ADC)**

P. O. Box 8707  
Pine Bluff, AR 71617  
(870) 267-6999  
Larry Norris, Director

### **Department of Community Correction (DCC)**

Atkins Building, 2nd Floor  
105 West Capitol  
Little Rock, AR 72201  
(501) 682-9510 Voice; (501) 682-9513 Fax  
G. David Gunthrap, Director  
Court Referral Coordinator - (501) 682-9563

## **Release Authority**

### **Post Prison Transfer Board (PPTB)**

P. O. Box 34085  
Little Rock, AR 72203  
(501) 682-3850  
Leroy Brownlee, Chairman

## **Coordinating Council for an Integrated Justice Information System**

One Capitol Mall 4D200  
Little Rock, AR 72201  
(501) 682-0053 Voice; (501) 682-7444 Fax  
Brenda Barber, Project Coordinator  
Arkansas Crime Information Center will staff this council.  
Council is charged with developing a plan to integrate the information systems of the various criminal justice agencies throughout the state.

**ARKANSAS  
SENTENCING  
COMMISSION**

**DEPARTURE REPORT**

Offender Name (Last, First, Middle)

County #

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Name of Judge

Date of Report

Circuit Court Case #

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**REASON FOR DEPARTURE:**

Reference should be made to the complete text of departure criteria found at A.C.A.16-90-804(d). Please Circle Appropriate Number. At least one departure criteria must be designated to be complete.

**A. Mitigating Factors:**

1. Victim played an aggressive role or provoked the incident or was a willing participant.
  2. Offender lacked capacity of judgement due to mental or physical impairment.
  3. Offender played a minor or passive role in the crime.
  4. Offender compensated or made effort to compensate for any damage or injury before detection.
  5. Offender was lesser participant showing caution or concern for safety or well-being of victim.
  6. Offender acted in response to continuing physical or sexual abuse by victim.
  7. Policy on multiple offenses in a single course of conduct in offender's prior criminal history results in a sentence which is excessive for this particular offense.
  8. Offender has voluntarily admitted sexual offense and sought treatment before detection.
  9. Offender has made effort to provide assistance in investigation or prosecution of another as so indicated by motion by the State. Following circumstances may be weighed in mitigation:
    - a. Timeliness of assistance
    - b. Nature and extent of assistance
    - c. Truthfulness, completeness and demonstrable reliability of information or testimony
  10. Other (attach extra sheet if necessary)
- 

**B. Aggravating Factors:**

1. Offender's conduct manifested extreme cruelty during commission of current offense.
  2. Offender knew victim vulnerable due to extreme youth, advanced age, disability or ill health.
  3. Offense was major economic offense established by one of the following criteria:
    - a. Multiple victims or incidents;
    - b. Monetary loss substantially greater than typical;
    - c. Degree of sophistication or time;
    - d. Misuse of fiduciary duty;
    - e. Other similar conduct
  4. Offense was major controlled substance offense if two or more of the following are present:
    - a. Three or more separate transactions involve sale, transfer or possession with intent;
    - b. Amounts substantially larger than the statutory minimums which define the offense;
    - c. Offense involved a high degree of planning or lengthy period or broad geographic area;
    - d. Offender occupied a high position in the drug distribution hierarchy;
    - e. Offender misused position of trust or status or fiduciary duty to facilitate commission;
    - f. Offender has received substantial income or resources from drug trafficking.
  5. Offender employed firearm in furtherance or flight unless such use is element of offense.
  6. Offense was sexual offense and part of pattern with the same or different victims under eighteen.
  7. Policy on multiple offenses in a single course of conduct in offender's prior criminal history results in a sentence that is clearly too lenient.
  8. Offense was committed in manner that exposed risk of injury to others.
  9. Offense was a violent or sexual offense committed in victim's zone of privacy.
  10. Offender attempted to cover offense by intimidation of witnesses, tampering of evidence, or misleading authorities.
  11. Offense committed to avoid arrest or effect escape.
  12. Offender lacks minimum insurance in a vehicular homicide.
  13. Statutory minimum sentence overrides the presumptive sentence.
  14. Multiple concurrent sentences being entered at this time require a higher sentence.
  15. Sentence is higher as a result of other charges being dropped or merged.
  16. Other (attach extra sheet if necessary)
- 

Court File

Judge's Signature \_\_\_\_\_



## DEPARTURE REPORT

**When to Complete:** This report should be completed by the judge when (a) the disposition differs from the presumptive disposition; (b) the sentence length imposed differs from the presumptive sentence length; or (c) when the disposition and duration differ from the presumptive disposition and duration provided in the guidelines.

**Offender Name:** Record the name of the offender as it appears on the *Judgment and Commitment or Judgment and Disposition form*.

**County #:** The uniform identification number for each county. This number is used in conjunction with the Circuit Case Number as the complete record identifier for this case.

**Judge Name:** The name of the judge completing the Departure Report.

**Circuit Court Case #:** The number used for filing cases in the circuit court.

**Reasons for Departure:** In making decisions about departing from the guidelines, and in writing reasons for departures, judges should consult A.C.A. 16-90-804 (Supp. 1993)

If the departure reasons were stated in open court, a certified transcript of the reasons given may be attached to this report in lieu of listing the reasons.

Reasons stated for departure should be brief, but specific. They should distinguish the unusual nature of the current case, and indicate why the departure is more appropriate, fair, or equitable than the presumptive sentence.

Decisions with respect to sentencing disposition and sentence duration are logically separate. Departures with respect to disposition and duration are logically separate. A judge may depart from a presumptive disposition without departing from the presumptive duration, or vice-versa. If a judge departs from both a presumptive disposition and presumptive duration, two departure decisions have been made, each requiring written reasons. Reasons for both decisions should be given on a single Departure Report.

**Distribution:** White: Court File; Blue: Arkansas Department of Corrections for those committed to that institution; Green: Arkansas Sentencing Commission, 101 East Capitol, Suite 450, Little Rock, AR 72201; Goldenrod: Prosecutor; Pink: Defense Attorney.



(Copy of criminal history worksheet goes here)

(Copy of criminal history worksheet instructions goes here)