



Sentencing Guidelines for Misdemeanors Crimes?

Pennsylvania

§303.16. Basic Sentencing Matrix PRIOR RECORD SCORE 6th Edition (6/3/05)

Level	OGS	Example Offenses	0	1	2	3	4	5	RFEL	REVO	AGG/MIT
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder/SBI Rape (child <13 years)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/- 12
	13	Inchoate Murder/no SBI Weapons (mass destr./injury) PWID Cocaine, etc. (>1,000 gms)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
		Rape IDSI Robbery (SBI)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asst (SBI) Voluntary Manslaughter Sexual Assault PWID Cocaine, etc. (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
		10	Kidnapping Agg. Indecent. Asslt Agg Asst (att. SBI) Arson (person inside) Hom. by veh. (DUI & work zone) PWID Cocaine, etc. (50-<100 gms)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120
	9	Sexual exploitation of children Robbery (F1/F2) Burglary (home/person) Arson (no person inside)	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8	Agg Asst (BI w/DW) Agg Asst (att. BI w/DW) Identify theft (60 yrs., 3rd off.) Hom. by veh. (DUI or work zone) Theft (>\$100,000) PWID Cocaine, etc. (10-<50 gms)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
	LEVEL 3 State/ Cnty Incar RIP trade	7	Robbery (inflicts/threatens BI) Burglary (home/no person) Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identify theft (3rd off.) PWID Cocaine, etc. (2.5-<10 gms)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA
6		Agg. harassment by prisoner Burglary (not home/person) Hom. by vehicle Theft (>\$25,000-\$50,000) Arson (property) PWID Cocaine, etc. (<2.5 gms)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5	Burglary (not home/person) Theft (>\$2000-\$25,000) DUI (M1) PHID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent assault Forgery (money, stocks) Weapon on school property Crim Trespass (breaks in)	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
		3	Simple Assault Theft (\$200-\$2000) DUI (M2) Drug Poss.	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA
LEVEL 1 RS	2	Theft (\$50-\$200) Retail Theft (1st, 2nd) Bad Checks	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1	Most Misd. 3's: Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

1. Yellow (Level 4) and Blue (Level 3) shaded areas of the matrix indicate restrictive intermediate punishments may be imposed as a substitute for incarceration.
 2. When restrictive intermediate punishments are appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline range.
 3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
 4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9756(b) and 9756(c).
 5. Statutory classifications (e.g., F1, F3, etc.) in brackets reflect the correct OGS assignment for the given grade.
Key: Level 1 = Purple, Level 2 = White, Level 3 = Blue, Level 4 = Yellow, Level 5 = Green, AGG/MIT = Orange
 BC = boot camp CMTY = county INCAR = incarceration PWD = possession with intent to deliver REVOCC = repeat violent offender category RFEL = repeat felony 1 and felony 2 offender category ROP = restrictive intermediate punishments RS = restorative sanctions SBI = serious bodily injury SL = statutory limit (longest minimum sentence) < = no recommendation (aggravated sentence would exceed statutory limit) > = less than greater than

Pennsylvania

§303.16. Basic Sentencing Matrix

PRIOR RECORD SCORE

6th Edition (6/3/05)

LEVEL 2 Cnty Incar RIP RS	5 [F3]	Burglary (not home/no person)	RS-9	1-12	3-14	6-16	9-16	12-18	24-36	NA	+/- 3
		Theft (>\$2000-\$25,000)		BC	BC	BC	BC	BC	BC		
		DUI (M1) PWID (1-<10 lb of marij)									
LEVEL 1 RS	4 [M2]	Indecent assault	RS-3	RS-9	RS-<12	3-14	6-16	9-16	21-30	NA	+/- 3
		Forgery (money, stocks)		BC	BC	BC	BC	BC			
		Weapon on school property Crim Trespass (breaks in)									
LEVEL 1 RS	3 [M1]	Simple Assault	RS-1	RS-6	RS-9	RS-<12	3-14	6-16	12-18	NA	+/- 3
		Theft (\$200-\$2000)		BC	BC	BC	BC	BC			
		DUI (M2) Drug Poss.									
LEVEL 1 RS	2 [M2]	Theft (\$50-<\$200)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
		Retail Theft (1st ,2nd) Bad Checks									
LEVEL 1 RS	1 [M3]	Most Misd. 3's;Theft (<\$50)	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3
		DUI (M) Poss. Small Amount Marij.									

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3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
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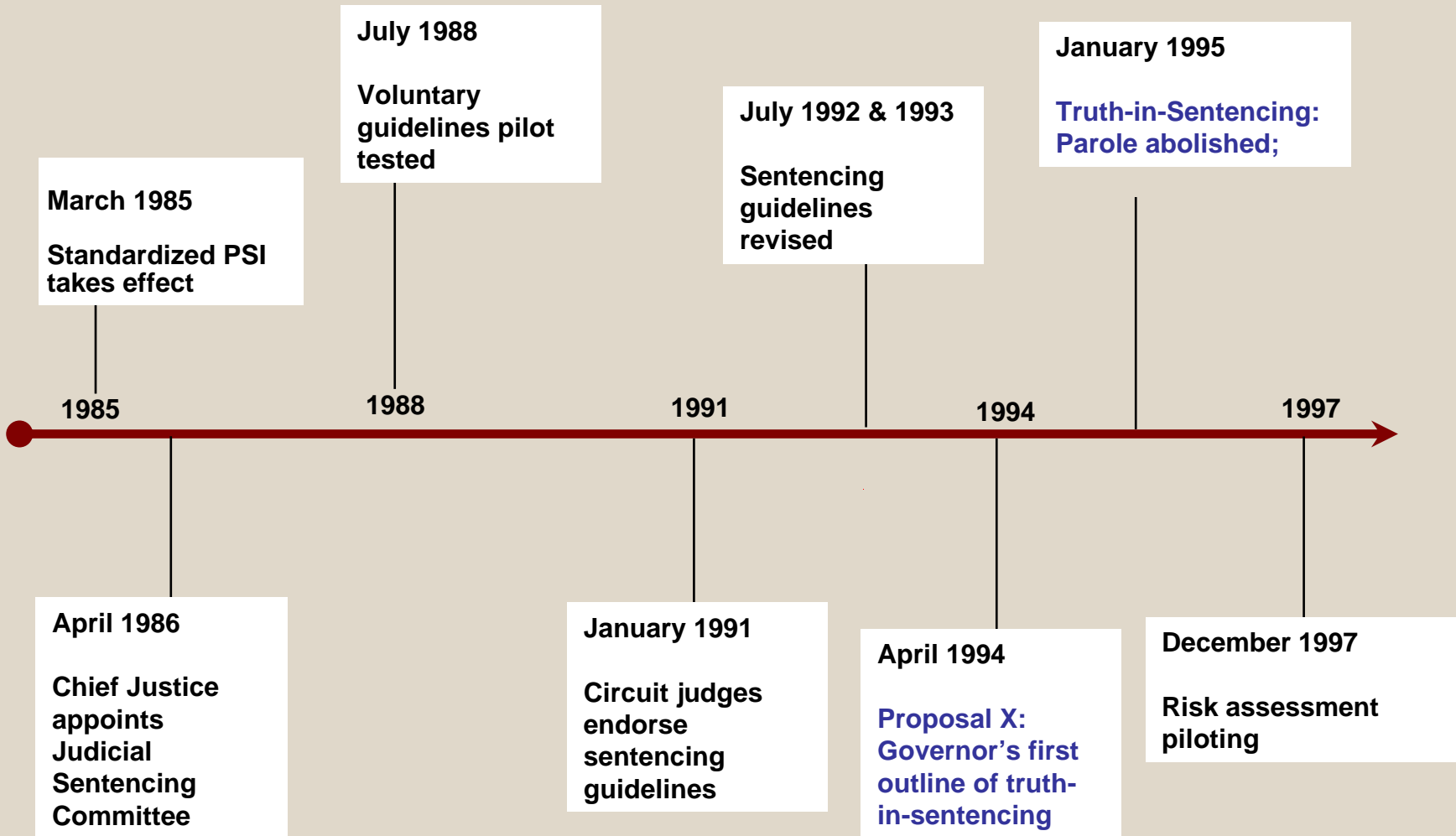
BC	= boot camp	RIP	= restrictive intermediate punishments
CNTY	= county	RS	= restorative sanctions
INCAR	= incarceration	SBI	= serious bodily injury
PWID	= possession with intent to deliver	SL	= statutory limit (longest minimum sentence)
REVOC	= repeat violent offender category	~	= no recommendation (aggravated sentence would exceed statutory limit)
RFEL	= repeat felony 1 and felony 2 offender category	< ; >	= less than;greater than

Virginia

- **Is there sufficient interest among General District Court Judges to access a voluntary sentencing guidelines aid?**
- **If so, the creation of such a tool will require time and patience.**



Time line – it takes a commitment...



- **Possible First Step**

A data system to capture essential offender and offense information would have to be created

Might envision the creation of a mini-PSI.



Virginia

- **Some Mini-PSI Issues:**

What factors to gather on form.

Who completes the form?

Who automates the form?

Who analyzes the information?

What is done with the information?



Virginia

- **Possible Solutions**

Focus mini-PSI on only the most common misdemeanor crimes that carry jail sentences

- **For Example:**

34 unique misdemeanor crimes comprise 80% of jail terms handed down in General District Courtrooms

53 unique misdemeanor crimes comprise 90% of jail terms handed down in General District Courtrooms



Judicial Conference of Virginia – Program Evaluation

Judicial Conference of Virginia for District Court Judges
Cavalier Hotel, Virginia Beach
August 15 – 17, 2005
Program Evaluation

Sentencing Guidelines for Misdemeanors: An Idea Whose Time has Come?
Richard P. Kern, Ph.D.

Total number of responses: 86

**What did you like about this program?
As the Chief Justice said, “this is an idea
whose time has not yet come.”**

**I will be charitable: the speaker is not an
idiot, but this is idiocy.**

- Good speaker. I would like to have voluntary guidelines.
- I liked hearing about possibilities and not just recent decisions, etc.
- I will be charitable: the speaker is not an idiot, but this is idiocy.

**Not much. General district courts deal with
misdemeanors only in terms of sentencing
and only sentence a defendant to one year or
\$2500 maximum per class 1 misdemeanor.**

- Not much, although the speaker was pleasant.
- Not much. General district courts deal with misdemeanors only in terms of sentencing and only sentence a defendant to one year or \$2500 maximum per class 1 misdemeanor. [This is] simply not needed.
- Nothing. I don't agree that it is needed. The maximum penalty is 12 months.

Judicial Conference of Virginia – Program Evaluation

- Perhaps a database. Such a limited range of punishment we consider.
- Presentation was good.

Very interesting data. However, I doubt the practical applicability of this process in a high volume court.

Very valuable for perspective of why sentencing guidelines belong exclusively in circuit courts, which have 25,000 sentencing events, while district courts have several million (at least one million).

Would like database results – no need for misdemeanor guidelines.

How could this program have been improved?

- Deleted.
- Eliminate it.

- Notwithstanding the denial, it sounds as though the Supreme Court has decided we will have this program and this is the opening salvo. His presentation had no current value.

Judicial Conference of Virginia – Program Evaluation

- Really – what is the relevance to our court?
- The topic generates only marginal interest at the outset. The information provided was, at best, boring, and at worst of little use. In view of the Chief's comment, why did we even waste time on this program?
- There are other topics that are much more important for general district court than guidelines. For a court that can only sentence to one year, is this really an important issue? How about more information on alternative sentencing proposals.
- Time better spent on another topic.
- We don't need it. This is an example of a bureaucracy interested in expanding its scope...at our expense.
- What are effective prevention programs?
- Written material, maybe?

We don't need it. This is an example of a bureaucracy interested in expanding its scope...at our expense.