

What's New 2018

Virginia's Sentencing Guidelines





Changes to Virginia's Sentencing Guidelines* Effective July 1, 2018

- Policy change for Probation Violations sentenced at the same time with a new felony offense.
- 2 SWIFT!
- 3 Legislative change for larceny related crimes committed July 1, 2018 or after.
- Three new offenses are covered by guidelines for any defendant sentenced on or after July 1, 2018.
- Revised scores on the Kidnapping and Burglary Worksheets.

Detailed information on each change follows this summary slide.





Policy Change for Probation Violations sentenced at the same time with a new felony offense.





Policy Change

Probation Violations will no longer be scored as additional offenses when sentenced at the same time with a felony guidelines offense. Cases may be sentenced in the same event, but the guidelines will reflect the recommendation for the new offense(s) and there will be no recommendation for the probation violation. The court must receive both the sentencing guidelines for the new felony offense and the sentencing revocation report. Both forms must be submitted to the Sentencing Commission.

Sentencing Guidelines of Complete this form ONLY for applicable felonies sentenced on or at	Scheduled Sentencing Dat Scheduled Sentencing Dat 8 08/23/18
OFFENDER —	
First: Middle:	Cast: Suffix:
Date of Birth:	SSN:
Math Day Nor	ffender ID
CCRE: CORIS Of	fender ID#
COURT	FIPS Code: 001
Judicial City/County:	FIPS Code: 001
Sentencing Judge's Name:	Commonwealth's Attorney O Probation Officer
Preparer Name: Prosecuting Commonwealth's Attorney:	Deferise Attorney: O Probation Officer
CONVICTIONS	Detelline Advisey.
Offense	Counts VCC Offense Date
Primary Offense	non ou
Primary Offense Code Section \$	Docket Number
METHOD OF ADJUDICATION Jury Trial Sentence Set by Jury:	O Life O Juvenile O Fine Only
	Iford Flea/Noto contendere
Bench Trial Guilty Plea A	
SENTENCING GUIDELINES RECOMM	MENDATION
SENTENCING GUIDELINES RECOMM Section B Section C	с
SENTENCING GUIDELINES RECOMM Section B Probation/No incarceration Section C Itle S	с
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OFFENDER —				
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COURT				
Judicial Circuit	City/County:		FIPS Code:	001
_	oup county.			
Judge's Name:			Office (I	les Crity
	ORIGINAL FELONY OFFENSE	INFORMATION		
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VIRGINIA CRIMINAL SENTENCING COMMISSION

2

SWIFT!

The New Generation of Sentencing Guidelines Worksheets





Beginning July 1, 2018, the Official Guidelines must be completed using *SWIFT!*

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The Sentencing Worksheet Interactive File Transfer (SWIFT!) is a web-based application designed for automating the sentencing guidelines. The application will allow users to complete the guidelines forms online, give users the ability to save guidelines information and recall it later. In the future, SWIFT! will provide a way for users to submit the guidelines to the court electronically, and permit the Clerk's to send the guidelines forms to the Commission in electronic format.

- Obtain your free and private account by sending an email to <u>SWIFT@vcsc.virginia.gov</u>
- Include your name, email address, bar number and the name of your primary court.

Note: Paper copies, pdf versions and mobile editions of the worksheets will be available for emergency use.



3

Legislative change for larceny related crimes committed July 1, 2018 or after.





Legislative Change: Change to Threshold for Grand Larceny

- Effective for crimes committed July 1, 2018 and after, the threshold for Grand Larceny increases from \$200 to \$500.
- The immediate impact on sentencing guidelines factors is that prior record factors are based on Virginia's current penalty structure.
- When preparers are unsure if the prior felony offense involved \$500 or more in property loss or damage, the prior conviction must be scored as a misdemeanor.
- The amount of restitution ordered or another measure authorized by the court may be used to determine if a prior felony was for property loss or damage of \$500 or more.



4

Three new offenses are covered by guidelines for any defendant <u>sentenced</u> on or after July 1, 2018





Three New Guidelines Offenses

For Offenders Sentenced on July 1, 2018 and After

- Users will find the following offenses on the worksheets for offenders sentenced on or after July 1, 2018.
 - Unlawful Discharge of a Firearm/Missile in/at an Occupied Building has been added to the <u>Weapon/Firearm worksheet</u>.
 - 2. Providing a Wireless Device to a Prisoner has been added to the Miscellaneous/Other worksheet.
 - Possession of a Wireless Device by a Prisoner has been added to the Miscellaneous/Other worksheet.



Three New Guidelines Offenses

For Offenders Sentenced on July 1, 2018 and After

- Users will find the following offenses on the worksheets for offenders sentenced on or after July 1, 2018.
 - 1. Unlawful Discharge of a Firearm/Missile in/at an Occupied Building has been added to the Weapon/Firearm worksheet.
 - § 18.2-279
 - WPN-5242-F6

VIRGINIA SENTENCING GUIDELINES VIRGINIA CRIMINAL SENTENCING COMMISSION

Weapon/Firearm → Section A	Offender Name:	
Primary Offense		
Maliciously or unlawfully discharge firearm, etc., in/at occupied buildir	g (1 count)	New Offense
B. Discharge firearm-from vehicle (1 count)		11011 0110100
Possess firearm on school property (1 count) Possession of sawed-off shotgun (1 count)	2	
E. Carry concealed weapon, 2nd or 3rd offense (1 count)	2	Unlowfully Discharge
F. False statement on firearm consent form (1 count)	Score	Unlawfully Discharge
 G. Possession of firearm, other weapon, explosives or ammunition by contract. 	nvicted felon	3
1 count	3 0	Firearm, etc., in/at an
Primary Offense Remaining Counts Total the maximum	annelling for equate of the primer, and exerced obeyon	rircarii, cic., iii/at air
Primary offense:	Senation to counts of the primary not scored above	Occupied Duilding
	y offense: All other offenses	Occupied Building
	num Penalty (years) Points	ı
5-7	8 2 0	
19 - 28	28	
	384	
39 or more		
Additional Offenses Total the maximum penalties for addit on	al offenses, including counts	
Primary offense:	y offense: All other offenses	
	num Penalty (years) Points	
Less than 1	than 10	
1 - 7		
19 - 28	28	
	384	
39 or more	more5	
◆ Victim Injury	-	
Threatened, emotional, physical or serious		
Life threatening	If the primary of	offense is Unlawfully
	II the philary t	niense is uniawiung
Conviction in Current Event Requiring Mandatory Mi	nimum term (3
A Prior Consistions (Adiable etions	Discharge Fire	arm in/at Occupied
Prior Convictions/Adjudications Total the maximum len	alties for the 5 mg DISCHALGE THE	arri iri/at Occupicu
Years: Less than 2		·
39 or more	Dwelling score	those factors in the
Prior Criminal Misdemeanor Convictions (Excludes Traff	Dividing, score	these factors in the
Primary offense:		
E. Carry concealed weapon, 2nd or 3rd offense	offense: All other	column.
1-61 DIN	ot Score	COIGITIII.
7 or more		
A B-i		
Prior Incarcerations/Commitments	If YES, add 4 → 0	
Legally Restrained at Time of Offense		
Primary offense:		
A. Discharge firearm, etc., in/at occupied building	offense: All other offenses	
None		
	than post-incarceration supervision2	
	ncarceration supervision rvision after incarceration)	
◆ Type of Additional Offense(s)		
Primary offense:	y offense: All other offenses	
The District of the Control of the C		
Additional offense with VCC prefix of WPN or ASL2	lot Score	
SCORE THE FOLLOWING ONLY IF PRIM	ARY OFFENSE AT CONVICTION IS	
F: FALSE STATEMENT ON A FIREARM O		
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Prior felony conviction/juvenile adjudication for crime a conviction/juvenile adjudication within 4 years of curre	gainst person, Other prior felony	
Prior felony conviction/juvenile adjudication for crime: conviction/juvenile adjudication within 4 years of curre conviction or Subject to protective order at time of offe	gainst person, Other prior felony nt offense, Prior domestic assault misdemeanor	
conviction/juvenile adjudication within 4 years of curre	gainst person, Other prior felony nt offense, Prior domestic assault misdemeanor	

Weapon/Firearm 3

VIRGINIA CRIMINAL SENTENCING COMMISSION

	occupied building (1 count)8	Unlawfully
	8	•
	6	Firearm, etc
	Score 3	
F. False statement on firearm consent form (1 count)	1	Occupie
G. Possession of firearm, other weapon, explosives or am	nmunition by convicted felon (1 count)	
•		
	the maximum penalties for counts of the primary not scored above	
Years: 5 - 9	2	
10 - 19 20 - 29.	•	
30 - 39		
40 or more	Manage /Fireness + Continu	
	Weapon/Firearm → Section	n C Sffender Name:
Additional Offenses Total the maximum pe		—— Prior Record Classification ——
Years: Less than 1	Primary Offense ———————————————————————————————————	Category I Category II Othi
1 - 9	Unlawfully discharge firearm, etc. in/at occupied building	(scores for attempted/conspired offenses are in pare
10 - 19		(32)(16)(8)
20 - 29	Completed: 1 count	
30 - 39	Maliciously discharge firearm, etc. in/at occupied building	12
40 or more		(32)(16)(8)
		60
Prior Criminal Misdemeanor Conviction	C. Discharge firearm from vehicle (1 count)	
	D. Possess firearm on school property (1 count)	
Primary offense E: Carry concealed weapon, 2nd/3rd	E. Possession of sawed-off shotgun (1 count)	
Number of Counts 1 - 2	F. Carry concealed weapon, 2nd or 3rd offense (1 count)	
3	G. False statement on consent form (1 count)	
4 or more	 H. Possession of firearm, other weapon, explosives or ammunition 	by convicted felon (1 count) 3216
A Vietim Inium	Primary Offense Remaining Counts Assign point	s to each count of the primary not scored above and total to
♦ Victim Injury	Maximum Penalty: 5, 10	
Primary offense: A. Discharge firearm, etc., in/at occupied building	(years)	
Threatened, emotional, physical or serious	Additional Offenses Assign points to each additional offenses	ense (including counts) and total the points
Life threatening	Maximum Penalty: Less than 5	
		1
		3
	40 or more	5
Legally Restrained at Time of Offens		
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Legally Restrained at Time of Offens Total Score	♦ Firearm Used or Brandished	If YES, add 2 _
	•	If YES, add 2 _
Total Score	Firearm Used or Brandished Victim Injury Threatened or emotional	
Total Score	Victim Injury Threatened or emotional	2

Less than 20....

20, 30, 40 or more ..

Prior Folony Convictions (Adjudications Against Person

Less than 20..

20, 30, 40 or more ...

0 0

Weapon/Firearm → Section B



Three New Guidelines Offenses

For Offenders Sentenced on July 1, 2018 and After

- Users will find the following offenses on the worksheets for offenders sentenced on or after July 1, 2018.
 - 2. Providing a Wireless Device to a Prisoner has been added to the Miscellaneous/Other worksheet.
 - § 18.2-431.1(A)
 - TEL-3196-F6
 - 3. Possession of a Wireless Device by a Prisoner has been added to the Miscellaneous/Other worksheet.
 - § 18.2-431.1(B)
 - TEL-3197-F6

Primary Off	ense -	
	ly swear an cath (1 count)	
	ex offender, fail to register, etc., 2nd/subsequent (1 count)	
	offender, fail to register or provide false information (1 count)	
	offender, fail to register, etc., 2nd/subsequent (1 count)	
. Failure to ap	pear in court for felony offense	
	2 counts	
Escape from	correctional facility (1 count)	
	or sale of Schedule III drug or marijuana by prisoner (1 count)	Score
	in offense by/for gang (1 count)5	•
	in offense by/for gang with juvenile member (1 count)6	
. Provide wire	less device to or possession of wireless device by prisoner (1 count)2	
Primary Offe	ense Remaining Counts Total the maximum penalties for counts of the primary not scored above	-
Years:	5-7	
	8 - 182	_
	19 - 28	_
	29 - 38	
Additional (39 or more	
Years:	Less than 1	
	1.7	
	8 - 18	+
	29 - 38	
	39 or more	(
	Threatened, emotional, physical or serious	
	Threatened, emotional, physical or serious1	•
Conviction i	Threatened, emotional, physical or serious1 Life Threatening2	→
Conviction in	Threatened, emotional, physical or serious1 Life Threatening	→
Conviction in Prior Convi Primary offens B, C, D, or J: Se wireless devia	Threatened, emotional, physical or serious1 Life Threatening	→
Prior Convi	Threatened, emotional, physical or serious	d events
Prior Convi Primary offens - B, C, D, or J: Se wireless deviced	Threatened, emotional, physical or serious	→
Prior Convi Primary offens — B, C, D, or J: Se wireless device to Years Less than 6	Threatened, emotional, physical or serious	d events
Prior Convi Primary offens B, C, D, or J: Se wittelss debut Years Less than 6 6-64 65 or more	Threatened, emotional, physical or serious	d events
Prior Convi Primary offens B, C, D, or J: Se wittelss debut Years Less than 6 6-64 65 or more	Threatened, emotional, physical or serious	d events—
Prior Convi Primary offens -B, C, D, or J: Se- wireless device to Years Less than 6 6-64 65 or more	Threatened, emotional, physical or serious1 Life Threatening	d events
Prior Convi Primary offens -B, C, D, or J: Se wintess device to Years Less than 6	Threatened, emotional, physical or serious	d events
Prior Conviction in Prior Convi Primary offens But C, D, or J: Se Vears Less than 6 6-64 65 or more Prior Incarc Legally Res Primary offens B. C. D er J: Se	Threatened, emotional, physical or serious	d events
Prior Conviction in Prior Convi Primary offens But C, D, or J: Se Vears Less than 6 6-64 65 or more Prior Incarc Legally Res Primary offens B. C. D er J: Se	Threatened, emotional, physical or serious	d events
Prior Convi Primary offers — B. C. D. or 1.5 Se wireless device to Years Less than 6 6-64 65 or more Prior Incard Legally Res Primary offens. B. C. D. or J. Se wireless device to	Threatened, emotional, physical or serious	d events
Prior Convi Primary offers B, C, D, or 15 Se wireless device to Years Less than 6 6-64 65 or more Prior Incard Legally Res Primary offens B, C, D, or J: Se wireless device to	Threatened, emotional, physical or serious	d events
Prior Convi Primary offers B, C, D, or 15 Se wireless device to Years Less than 6 6-64 65 or more Prior Incard Legally Res Primary offens B, C, D, or J: Se wireless device to	Threatened, emotional, physical or serious	d events
Prior Convi Primary offens — B, C, D, or J: Se — B, C, D, or J: Se — Convi Less than 6 — 6-64 — 6-65 — 6-64 — 6-69 — 7-107 — 10-108 — 10-	Threatened, emotional, physical or serious	d events
Prior Convi Primary offers B. C. D. or J. Se wireless device to Years Less than 6 6-64 65 or more Prior Incarc Legally Res Primary offers B. C. D. or J. Se wireless device to Any legal rest	Threatened, emotional, physical or serious	d events
Prior Convi Primary offens B, C, D, or J: Se wintess device to Legally Res Prior Incarc Legally Res Primary offens B, C, D, or J: Se wintess device Any legal rest SCORE THE I	Threatened, emotional, physical or serious	d events
Prior Convi Primary offens B. C. D. or J. Se Wireless devices B. C. D. or J. Se Wireless devices B. C. D. or J. Se Offens B. C. D. or J. Se Wireless devices B. C. D. or J. Se Wireless devices Any legal rest SCORE THE I	Threatened, emotional, physical or serious	d events

Two New Offenses

Provide Wireless Device to Prisoner and Possession of Cell Phone by a Prisoner

If the primary offense is Provide Wireless Device to Prisoner or Possession of Cell Phone by Prisoner, score these factors in the left column.

	ffense —		
Perjury, false	ely swear an oath (1 count)	7	
	ex offender, fail to register, etc., 2nd/subsequent (1 count)		
	offender, fail to register or provide false information (1 count)		
	offender, fail to register, etc., 2nd/subsequent (1 count)		
	opear in court for felony offense (1 count)		Score
	n correctional facility (1 count)		▼
	in offense by/for gang (1 count)		
	in offense by/for gang with juvenile member (1 count)		0
Provide wire	eless device to or possession of wireless device by prisoner (1 count)	8	
Primary Of	ffense Remaining Counts Total the maximum penalties for counts of the primary not scored	d above ——	
Years:	5 - 9	2	
	10 - 19	3	
	20 - 29		
	30 - 39		0
Additional	Offenses Total the maximum penalties for additional offenses, including counts		
Years:	Less than 1		
	1 - 9		
	10 - 19		
	20 - 29		*
	30 - 39		0
Victim Inju	iry		
-	Threatened, emotional, physical or serious	2 [
	Life threatening		0
		3	_
		3	
Legally Re	•		0
Legally Re			0
RE THE FOL	estrained at Time of Offense If YES, and I	add 1 → [_
RE THE FOL	estrained at Time of Offense If YES, I LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REG IRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER	add 1 → [— AΠΟΝ
RE THE FOL	estrained at Time of Offense If yes, and a strained at Time of Offense If yes, and yes, an	add 1 → [_
RE THE FOL PROVIDE WI Prior Incar	estrained at Time of Offense If YES, I LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REG IRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER	add 1 → [— AΠΟΝ
RE THE FOL PROVIDE WI Prior Incar SCORE TI	estrained at Time of Offense LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REGIRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER ICCORDING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE (§ 1: Edditional/Prior Record Offense(s) Score factors and enter the total score	add 1 → [— AΠΟΝ
PRE THE FOLIPROVIDE WITH PRIOR INCANANT TO SCORE TO Type of Active Control of Active	estrained at Time of Offense IIYES, LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REG IRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER ICERATIONS/Commitments IIYES, HE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE (§ 1)	add 1 → [— AΠΟΝ
Prior Incar SCORE TI Type of Ac A. Add	estrained at Time of Offense If YES, LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REG IRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER IT CERATIONS/Commitments If YES, HE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE (§ 18) Edditional/Prior Record Offense(s) Score factors and enter the total score ditional Offense of Assault (Felony or Misdemeanor)	add 1 → [— AΠΟΝ
RE THE FOLD PROVIDE WI Prior Incar SCORE TI Type of Ac A. Add B. Pric	estrained at Time of Offense LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REGIRELESS DEVICE BY PRISONER IT CETATIONS/COMMITMENTS HE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE (§ 1: dditional/Prior Record Offense(s) Score factors and enter the total score ditional Offense of Assault (Felony or Misdemeanor) or Juvenile Felony Person Adjudication 1 Collowing FACTOR ONLY IF PRIMARY OFFENSE IS J: Provide WIRELESS DEVICE TO	add 1 → [ISTRY VIOL add 1 → [8.2-46-2] 0	ATION 0
PRE THE FOLDER PROVIDE WI Prior Incal SCORE TI Type of Ac A. Add B. Pric DRE THE FO. SESSION OF	LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REGIRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER TO CETATIONS/COMMITMENTS HE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE [§ 1: Editional/Prior Record Offense(s) Score factors and enter the total score ditional Offense of Assault (Felony or Misdemeanor) OF Juvenile Felony Person Adjudication 1 DELLOWING FACTOR ONLY IF PRIMARY OFFENSE IS J: Provide WIRELESS DEVICE TO THE WIRELESS DEVICE TO THE WIRELESS DEVICE BY PRISONER [§ 18.2-4.31.1]	add 1 → [ISTRY VIOL add 1 → [8.2-46-2] 0	ATION 0
Prior Incal SCORE TI Type of Ac A. Add B. Pric ORE THE FO SESSION OF	LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REGIRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER TO CERTAIN OF THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE [§ 1: Additional/Prior Record Offense(s) Score factors and enter the total score ditional Offense of Assaut (Felony or Misdemeanor) 1 OF JUVENILE FELONY PERSON Adjudication 1 FULLOWING FACTOR ONLY IF PRIMARY OFFENSE IS J: Provide WIRELESS DEVICE TO WIRELESS DEVICE BY PRISONER [§ 18.2-431.1] TO CONVICTIONS/Adjudications Against Person 1 TO CONVICTIONS/Adjudications Against Person 1 TO CONVICTIONS/Adjudication Against Person 1	add 1 → [ISTRY VIOL add 1 → [8.2-46-2] 0	ATION 0
SCORE TO A. Add B. Prior SESSION OF Prior Felor S. O. 1	LOWING FACTOR ONLY IF PRIMARY OFFENSE IS B, C, D, or J: SEX OFFENDER REGIRELESS DEVICE TO/OR POSSESSION OF WIRELESS DEVICE BY PRISONER TO CETATIONS/COMMITMENTS HE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS H OR I: GANG OFFENSE [§ 1: Editional/Prior Record Offense(s) Score factors and enter the total score ditional Offense of Assault (Felony or Misdemeanor) OF Juvenile Felony Person Adjudication 1 DELLOWING FACTOR ONLY IF PRIMARY OFFENSE IS J: Provide WIRELESS DEVICE TO THE WIRELESS DEVICE TO THE WIRELESS DEVICE BY PRISONER [§ 18.2-4.31.1]	add 1 → [ISTRY VIOL add 1 → [8.2-46-2] 0	ATION 0

Two New Offenses

Provide Wireless Device to Prisoner and Possession of Cell Phone by a Prisoner

If the primary offense is Provide Wireless Device to Prisoner or Possession of Cell Phone by Prisoner, score these factors.

	ense —		cord Classification — Category II	other ———
-				
	ely swear an oath (1 count)ex offender, fail to register, etc., 2nd/subsequent (1 count)			
	offender, fail to register, etc., 2nd/subsequent (1 count)			
	offender, fall to register of provide false into. (1 count)			
	pear in court for felony offense (1 count)			
	or rectional facility (1 count) or sale of Schedule III drug or marijuana by prisoner (1 count)			
	in offense by/for gang (1 count)			
	in offense by/for gang with juvenile member (1 count)			
	eless device to or possession of wireless device by prisoner (1 c			
Primary Offe	ense Remaining Counts Assign points to each count of	of the primary not so	ored above and total	I the points
	5, 10			.1
(years)				
Additional C	Offenses Assign points to each additional offense (includin		(the exists	
Additional	Assign points to each additional offense (includin	g counts) and tota	the points	
Years:	Less than 5			
reals.	5. 10			
	-, -			
	20			•
	30			77
	40 or more			.5
Firearm Use	ed or Brandished		— IfYES, add 2	
Victim Injur	24			
Victim Injur	у ————			
	Threatened or emotional		2	🛨
	Threatened or emotional			
	Physical or serious		4	
	Physical or serious			
Prior Convid	Physical or serious			
	Physical or serious	and serious prior re	5 cord events and tota	
Prior Convid	Physical or serious Life threatening. ctions/Adjudications <u>Assign points</u> to the 5 most recent	and serious prior re	5 cord events and tota	al the points
Maximum Penaty: (years)	Physical or serious. Life threatening. ctions/Adjudications	and serious prior re	5 cord events and tota	al the points
Maximum Penaty: (years)	Physical or serious	and serious prior re	5 cord events and tota	al the points
Maximum Penaty: (years)	Physical or serious. Life threatening. ctions/Adjudications	and serious prior re	5 scord events and tota	al the points
Maximum Penaty: (years) Prior Felony	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more // Conviction s/Adjudications Against Person	and serious prior re		ol the points 0
Maximum Penaty: (years) Prior Felony Number	Physical or serious Life threatening ctions/Adjudications Assign points to the 5 most recent Less than 20 20, 30, 40 or more / Conviction s/Adjudications Against Person 1 2 3	and serious prior re	4 5 5 coord events and total	ol the points 0 1 2 3
Maximum Penaty: (years) Prior Felony Number	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more y Conviction s/Adjudications Against Person 1 2 3 3 4	and serious prior re		on the points of
Maximum Penaty: (years) Prior Felony Number	Physical or serious Life threatening ctions/Adjudications Assign points to the 5 most recent Less than 20 20, 30, 40 or more / Conviction s/Adjudications Against Person 1 2 3	and serious prior re		on the points of
Maximum Penalty: (years) Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20 20, 30, 40 or more y Conviction s/Adjudications Against Person 1 2 3 4 5 or more	and serious prior re	4 5 5 coord events and total	on the points of
Maximum Penalty: (years) Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more y Conviction s/Adjudications Against Person 1 2 3 3 4	and serious prior re	4 5 5 coord events and total	on the points of
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony	Physical or serious Life threatening ctions/Adjudications	and serious prior re	special design of the second events and lotal second events are second events and lotal second events and lotal second events are second events are second events and lotal second events are second e	on the points of
Maximum Penalty: (years) Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20 20, 30, 40 or more y Conviction s/Adjudications Against Person 1 2 3 4 5 or more	and serious prior re	scord events and total	1 1 1 the points 0 1 1 2 2 3 3 4 4 5 5
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20	and serious prior re	scord events and total	1 1 2 3 3 4 4 5 5 e 2 4 4 6 6
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more / Conviction s/Adjudications Against Person 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC	and serious prior re	secord events and total	1 1 2 2 3 3 4 4 5 5 e 2 2 4 6 6 8 8
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20	and serious prior re	secord events and total	1 1 2 2 3 3 4 4 5 5 e 2 2 4 6 6 8 8
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more / Conviction s/Adjudications Against Person 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC	and serious prior re	rimary Offens	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more / Conviction s/Adjudications Against Person 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC	and serious prior re	secord events and total	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more / Conviction s/Adjudications Against Person 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC	and serious prior re	rimary Offens	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Maximum Penaty. (years) Prior Felony Number of Counts: Prior Felony Number of Counts:	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more / Conviction s/Adjudications Against Person 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC	and serious prior re	rimary Offens	1 1 2 3 3 4 4 5 5 6 6 6 8 8 8 0 0 2 2
Maximum Penaty. (years) Prior Felony Number of Counts: Prior Felony Number of Counts: Legally Res	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20. 20, 30, 40 or more / Conviction s/Adjudications Against Person 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC 1. 2. 3. 4. 5 or more / Convictions/Adjudications with the Same VC 1. 2. 3. 4. 5 or more trained at Time of Offense	and serious prior re	rimary Offens	1 1 2 3 3 4 4 5 5 6 6 6 8 8 8 0 0 2 2
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number of Counts: Legally Res SCORE TH	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20	and serious prior re	rimary Offens	1 1 2 3 3 4 4 5 5 6 6 6 8 8 8 0 0 2 2
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number of Counts: Legally Res SCORE TH Type of Add Violent Addition	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20	and serious prior re	rimary Offens	1 1 2 3 3 4 4 5 5 6 8 8 0 0 2 4 6 6 1 8 8 0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Maximum Penaty: (years) Prior Felony Number of Counts: Prior Felony Number of Counts: Legally Res SCORE TI Type of Add Violent Addition	Physical or serious Life threatening. ctions/Adjudications Assign points to the 5 most recent Less than 20	and serious prior re	rimary Offens IfyES, add 2	1 1 2 3 3 4 4 5 5 6 8 8 0 0 2 4 6 6 1 8 8 0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1

Two New Offenses

Provide Wireless Device to Prisoner and Possession of Cell Phone by a Prisoner



5

Revised scores on the Kidnapping and Burglary Worksheets.

- Kidnapping Worksheet





VIRGINIA CRIMINAL SENTENCING COMMISSION

Primary Offe				Dri	or Record Classifica	tion —	
	nse —				Category II		
00 0 0					40		
	ted below (1 count)			24	12	6	
. Abduction by	force without legal just	tification		70	20	10	
	ts						
	ts						
Extortion, abo	duction with intent to ga	ain pecuniary be	nefit				
	t			232	116	58	
	ts						
	ts			272	136	68	
	th intent to defile						
	t						
	tsts						
				552	1/0	00	Score
Abduct child	under age 16 t			476	239	110	\blacksquare
	ts						-
	ts						
flaximum Penalty: (years)	4, 5, 10			and to the state of the state o		1	
Prior Convict Maximum Penalty: (years)	2, 3, 4 5			ecent and serious prior i		0 1 2	s —
	20					7	•
						11 [7
	30						

Kidnapping/Section C

Revised Scores On Section C

Increased number of points for the primary offense of Abduction with Intent to Defile



5

Revised scores on the Kidnapping and Burglary Worksheets.

Burglary/Dwelling& Burglary/Other Worksheets





VIRGINIA SENTENCING GUIDELINES

	20
	30
Dries Falany	
	Burglary Convictions/Adjudications ————————————————————————————————————
Number of Counts:	1
or Counts:	3 5
	46
	5
	6 or more 9
Prior Felony	Convictions/Adjudications Against Person —
Number	
of Counts:	1 3 4 or more 17
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense — If YES, add 3
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense — If YES, add 3
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense—If YES, add 3 litional Offense(s) Additional Offense of Murder with statutory maximum of 40 years or more
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense — If YES, add 3 Itional Offense(s) Additional Offense of Murder with statutory maximum of 40 years or more
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense — If YES, add 3 Itional Offense(s) Additional Offense of Murder with statutory maximum of 40 years or more
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense — If YES, add 3 Itional Offense(s) Additional Offense of Murder with statutory maximum of 40 years or more
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense—If YES, add 3 Additional Offense of Murder with statutory maximum of 40 years or more
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense — If YES, add 3 Itional Offense(s) Additional Offense of Murder with statutory maximum of 40 years or more
On Parole/Po	st-Release, Supervised Probation or CCCA at Time of Offense—If YES, add 3 Additional Offense of Murder with statutory maximum of 40 years or more

Revised scores on Section A

On Section C of both the Burglary/Dwelling and Burglary/Other worksheets the scores have been modified for the Type of Additional Offense Factor.

- Assign 140 points if there is an additional offense of Murder with a statutory maximum of 40 years of more.
- Assign 74 points if there is an additional offense of Murder with a statutory maximum of 20 years or less.



VIRGINIA CRIMINAL SENTENCING COMMISSION

Additional Information





Visit the Commission's mobile site by texting VCSC to 56512.

- Learn about the 2018 changes
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Go to http://bycell.co/cgac or mobile.vcsc.virginia.gov on your mobile device

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Information

- Contact staff of the Commission by phone from 7:30AM to 5:00PM (Monday – Friday) 804.225.4398
- Contact staff of the Commission by text at 804.393-9588
- Contact Staff by Email. Email addresses are posted on the Commission's website: <u>www.vcsc.virginia.gov</u>.
- Manuals, VCC Books and updates will be shipped in late June.
 - An order form for the 21st edition of *Virginia's Sentencing Guidelines Manual* is available on the Commission's websites.
 - Judges, Commonwealth's Attorneys, Public Defenders and Probation Officers will automatically be shipped updates based on the number requested last year.



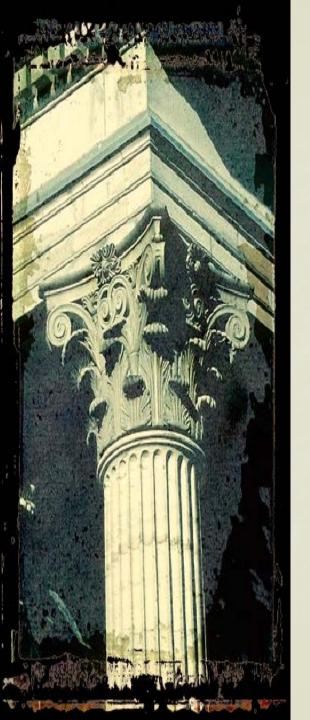


2018 Seminars

Registration Form is Available on the Commission's Websites or register using the mobile website

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