

Other Sexual Assault Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2024.

Scheduled Sentencing Date:

◆ OFFENDER

First _____ Middle _____ Last _____ Suffix _____

Date of Birth: / /
Month Day Year

Social Security Number: - -

CCRE: V A CORIS Offender ID: PSI #:

◆ COURT

Judicial Circuit City/County _____ FIPS Code:

Sentencing Judge's Name _____ For Office Use Only

Preparer Name _____ Commonwealth's Attorney Probation Officer

Prosecuting Commonwealth's Attorney _____ Defense Attorney _____

◆ CONVICTIONS

Offense	Counts	VCC	Offense Date
			Month Day Year
Primary Offense	<input type="text"/>	<input type="text"/>	<input type="text"/>
Additional Offenses	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>

Primary Offense Code Section § _____ Docket Number _____

◆ METHOD OF ADJUDICATION

- Jury Trial Sentence Set by Jury: Years Months Days Life Juvenile Fine Only
- Bench Trial Guilty Plea Alford Plea/Nolo contendere

◆ SENTENCING GUIDELINES RECOMMENDATIONS

Section B

- Probation/No Incarceration
- Incarceration 1 Day to 3 Months
- Incarceration 3 to 6 Months

Mandatory Minimum _____

Section C

- Incarceration (Enter Midpoint and Range Below)

Range Midpoint Years Months Days

Sentence Range Years Months Days TO Years Months Days

- Recommendation Adjusted for Mandatory Minimum

Modifications Based on Risk Assessment

The upper end of the sentencing range can be adjusted based on the risk assessment level.

Characteristics of the offender and the circumstances of the offense may have correlated with a significant risk of recidivism among other sex offenders. If so, the upper end of the recommended sentence range can be increased by:

- Check one
- 300% - Level 1
- 100% - Level 2
- 50% - Level 3
- No Adjustment

Adjusted High End



Final Disposition Fill In After Sentence Has Been Pronounced

Modification of Recommendation Based on Substantial Assistance, Acceptance of Responsibility or Expression of Remorse

The decision to modify the guidelines recommendation must be made by the judge. If the recommended low end is 3 years or less, the low end is adjusted to no incarceration. If recommended low end is more than 3 years, the low end is reduced by 50%.

If accepted by the court the

Adjusted Range is: _____ TO _____
Years Months Days Years Months Days

◆ SENTENCE (For All Offenses in the Event)

Taken under Advisement/Continued

Total Time Imposed Before Suspension Life Sentence +

Years	Months	Days

 Sentenced to Time Served

Total Effective Time to Serve Life Sentence +

Years	Months	Days

Incarceration Sentence to Run Concurrently With Another Event

Restitution \$ _____ Fine \$ _____

Post Release

Post Release Incarceration Term § 18.2-10 (suspended)

Years	Months	Days

(6 months to 3 years)

Post Release Supervision Period § 19.2-295.2(A)

Years	Months	Days

(6 months to 3 years)

Probation (Sentenced to no time, probation up to statutory maximum; Sentenced to incarceration, probation up to 5 years)

Probation Period (Supervised) Indeterminate Not to Exceed § 19.2-303

Years	Months	Days

Good Behavior

Good Behavior Period (sum or longest length imposed)(§ 19.2-306)

Years	Months	Days

Fixed at Statutory Maximum § 19.2-303.1

Agreements and Other Details (check all that apply)

- Written Plea Agreement Accepted = Rule 3A:8(c)(1) (A) or (C)
- Plea and Recommendation Accepted = Rule 3A:8(c)(1)(B)
- Oral Sentence Recommendation Accepted

Other Sentencing Programs (check all that apply)

- Day Reporting
- Electronic Monitoring
- Intensive Probation
- Substance Abuse Treatment
- § 18.2-251/§ 18.2-258.1
- Community-Based Program _____
- CCAP
- Drug Court

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- Youthful Offender
- DJJ Commitment Indeterminate Determinate
- Other _____

◆ REASON FOR DEPARTURE AND/OR MODIFICATION OF JURY SENTENCE

Must be completed pursuant to § 19.2-298.01(B) and/or § 19.2-295(B)/ § 19.2-303

Accepted Nonviolent Risk Assessment recommendation, no departure reason needed.

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◆ SENTENCING DATE

Month	Day	Year

Judge's Signature

◆ ATTACH COURT ORDER AND MAIL Pursuant to § 19.2-298.01(E)

After sentencing, send to: Virginia Criminal Sentencing Commission • 100 North Ninth Street • Fifth Floor • Richmond, Virginia 23219

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Other Sexual Assault ~~❖~~ Section A (Part I)

Offender Name: _____

Offenses Not Applicable for Risk Assessment:

Risk Assessment is **NOT APPLICABLE** if the primary offense is bestiality, bigamy, aggravated sexual battery-parent to child age 13-17, or prostitution. (Go to Section A (Part II))

◆ **Offender's Age at Time of Offense** _____

Younger than 35 years	12	
35 to 46 years	4	
Older than 46 years.....	0	

◆ **Less than 9th Grade Education** (by conviction date) _____ **If YES, add 4** →

0

◆ **Not Regularly Employed** (during 2 years prior to arrest date) _____ **If YES, add 5** →

0

◆ **Offender's Relationship with Victim** _____

Victim Under Age 10	Relative	0
	Known to victim (not relative or step-parent)	4
	Stranger	4
	Step-parent	9
Victim Age 10 or more	Relative	2
	Known to victim (not relative or step-parent)	3
	Stranger	8
	Step-parent	2

0

◆ **Aggravated Sexual Battery (Primary Offense §18.2-67.3)** _____

No penetration, no attempted penetration	0	
Penetration or attempted penetration	4	

0

◆ **Location of Offense** _____

Place of employment	0	
Shared victim/offender residence.....	3	
Outdoors	3	
Motor Vehicle	4	
Victim's residence (not offender's)	5	
Offender's residence or other residence	9	
Location other than listed	3	

0

◆ **Prior Adult Felony/Misdemeanor Arrests for Crimes Against a Person** _____

Number: 0 Felonies	1 - 3 Misdemeanors	1
	4+ Misdemeanors	8
1 Felony	0 - 2 Misdemeanors	5
	3+ Misdemeanors	8
2+ Felonies	0 - 3 Misdemeanors	8
	4+ Misdemeanors	15

◆ **Prior Incarcerations/Commitments** _____ **If YES, add 3** →

0

◆ **Prior Treatment** _____

Prior mental health commitment	0	
Prior mental health treatment.....	2	
Prior alcohol or drug treatment.....	3	
No prior treatment	4	

0

Risk Score _____ →

- | | | |
|--------------|---|---------------|
| Risk Level | <input type="checkbox"/> 44 or more | Level 1 |
| (Risk Score) | <input type="checkbox"/> 34 - 43 | Level 2 |
| | <input type="checkbox"/> 28 - 33 | Level 3 |
| | <input type="checkbox"/> up to 27 | No Adjustment |

Go to **Section A (Part II)**

Other Sexual Assault Section A (Part II)

Offender Name: _____

◆ Primary Offense

- A. Other than listed below; all attempted or conspired offenses (1 count) 1
- B. Non-forcible sodomy, parent/grandparent to child or grandchild age 13 to 17 (1 count)..... 7
- C. Indecent liberties with child under age 15
 - 1 count 4
 - 2 counts..... 8
 - 3 counts..... 10
- D. Indecent liberties by custodian
 - 1 count 5
 - 2 counts..... 7
 - 3 counts..... 8
- E. Non-forcible carnal knowledge of child age 13, 14 (statutory rape)
 - 1 count 6
 - 2 counts..... 9
 - 3 counts..... 12
- F. Aggravated sexual battery
 - 1 count 3
 - 2 counts..... 6
 - 3 counts..... 9
- G. Aggravated sexual battery, victim age 13 or 14 or parent/grandparent to child/grandchild age 13 to 17
 - 1 count 7
 - 2 counts..... 8
 - 3 counts..... 10
- H. Incest with own child/grandchild (1 count)..... 3
- I. Incest with own child/grandchild age 13 to 17 (1 count)..... 2

Score

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◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 26 1
- 27 - 52 2
- 53 or more 3

0	
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◆ Additional Offenses Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- (12 months= 1 year) 1 - 26 1
- 27 - 52 2
- 53 or more 3

0	
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◆ Victim Less than Age 13 at Time of Offense If YES, add 5

0	
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◆ Victim Injury

- Threatened or emotional 2
- Physical or life threatening 4

0	
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◆ Prior Convictions/Adjudications Total maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 3 0
- 3 - 18 1
- 19 - 31 2
- 32 - 44 3
- 45 or more 4

0	
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◆ Prior Felony Sexual Assault Convictions/Adjudications

- Number of Counts: 1 1
- 2 2
- 3 or more 3

0	
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◆ Prior Incarcerations/Commitments If YES, add 3

0	
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◆ Legally Restrained at Time of Offense

- None 0
- Other than parole/post-release, supervised probation or CCCA 2
- Parole/post-release, supervised probation or CCCA 3

0	
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◆ Risk Assessment Score (From Section A Part I)

- Less than 28 0
- 28 or more (Level 1, 2, or 3) 8

0	
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Total Score

If total is 8 or less, go to **Section B**. If total is 9 or more, go to **Section C**.

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Other Sexual Assault ❖ Section B

Offender Name: _____

◆ Primary Offense

- A. Other than listed below (1 count) 1
- B. Indecent Liberties (1 count) 1
- C. Aggravated sexual battery or Carnal Knowledge
 - 1 count 2
 - 2 counts 4
 - 3 counts 6

Score

0	
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◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

- | | | |
|--------|-----------------|---------------------|
| Years: | 5 - 7 2 | 27 - 30 8 |
| | 8 - 11 3 | 31 - 34 9 |
| | 12 - 15 4 | 35 - 37 10 |
| | 16 - 19 5 | 38 - 41 11 |
| | 20 - 22 6 | 42 or more 12 |
| | 23 - 26 7 | |

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◆ Additional Offenses Total the maximum penalties for additional offenses, including counts

- | | | |
|---------------------|---------------------|---------------------|
| Years: | Less than 1 0 | 23 - 26 7 |
| (12 months= 1 year) | 1 - 2 1 | 27 - 30 8 |
| | 3 - 7 2 | 31 - 34 9 |
| | 8 - 11 3 | 35 - 37 10 |
| | 12 - 15 4 | 38 - 41 11 |
| | 16 - 19 5 | 42 or more 12 |
| | 20 - 22 6 | |

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◆ Victim Less than Age 13 at Time of Offense If YES, add 3

0	
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◆ Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events

- | | | |
|--------|---------------------|--|
| Years: | Less than 3 0 | |
| | 3 - 19 1 | |
| | 20 - 39 2 | |
| | 40 or more 3 | |

0	
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◆ Prior Incarcerations / Commitments If YES, add 1

0	
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◆ Type of Additional Offense(s) Any Additional Offense has a prefix of "SEX", "RAP," or "OBS"

Primary offense:

B. Indecent Liberties or

C. Aggravated Sexual Battery or Carnal Knowledge

If YES, add 1

Primary offense: All other offenses

Do Not Score

0	
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◆ Victim Injury

Primary offense:

B. Indecent Liberties

Threatened or emotional 3

Physical or life threatening 4

Points

Primary offense: All other offenses

Do Not Score

0	
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Total Score

See Other Sexual Assault Section B Recommendation Table to convert score to guidelines sentence.

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Other Sexual Assault Section C

Offender Name: _____

Prior Record Classification

Category I Category II Other
(scores for attempted/conspired offenses are in parentheses)

Primary Offense

A. All attempted or conspired sexual assault (1 count)	(24)	(12)	(6)
B. Completed sexual assault other than listed below (1 count)	36	18	9
C. Non-forcible sodomy, parent/grandparent to child/grandchild age 13 - 17			
1 count	36	18	9
D. Indecent liberties with child			
1 count	36	18	9
2 counts	40	20	10
3 counts	104	52	26
E. Non-forcible carnal knowledge of child age 13 - 14 (statutory rape)			
1 count	36	18	9
F. Incest with own child/grandchild (1 count)	104	52	26
G. Incest with own child/grandchild age 13 - 17 (1 count)	104	52	26
H. Aggravated sexual battery			
1 count	90	60	34
2 counts	132	88	50
3 counts	288	192	108
I. Aggravated sexual battery, parent/grandparent to child/grandchild age 13-17			
1 count	84	56	32
2 counts	90	60	34
3 counts	180	120	68

Score

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Primary Offense Remaining Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty 5	5
(years) 10	10
20	19
30	29
40 or more	39

0		
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Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty Less than 1	0
(years) 1	1
(12 months= 1 year) 2	2
3	3
4	4
5	5
10, 15	10
20	19
30	29
40, 50, Life	39

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Weapon Used, Brandished, Feigned or Threatened If YES, add 4

0	0	
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Victim Injury

Threatened or emotional	6
Physical or life threatening	9

0	0	
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Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty Less than 2	0
(years) 2, 3, 4, 5	1
10, 15	3
20	6
30	9
40, 50, Life	12

0		
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Prior Felony Sexual Assault Convictions/Adjudications

Number of Counts: 1	8
2	15
3 or more	23

0		
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On Post-Incarceration Supervision If YES, add 5

0	0	
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Total Score

See Other Sexual Assault Section C Recommendation Table for guidelines sentence range.

If necessary, on the cover sheet also enter the adjusted high end of the guidelines sentence range based on Risk Level: 1 2 3 or n/a