

FIGURE 5.6

Example of a Comprehensive Sentencing Guideline

FELONY SENTENCING WORKSHEET:

DEFENDANT'S NAME: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

OFFENSE RATING

1. Degree of Offense:

Assess points for the one most serious offense or its equivalent for which offender is being sentenced, as follows: 1st degree felony = 4 points; 2nd degree felony = 3 points; 3rd degree felony = 2 points; 4th degree felony = 1 point. \_\_\_\_\_

2. Multiple Offenses:

Assess 2 points if one or more of the following applies: (A) Offender is being sentenced for two or more offenses committed in different incidents; (B) offender is currently under a misdemeanor or felony sentence imposed by any court; or (C) present offense was committed while offender on probation or parole. \_\_\_\_\_

3. Actual or Potential Harm:

Assess 2 points if one or more of the following applies: (A) Serious physical harm to a person was caused; (B) property damage or loss of \$300.00 or more was caused; (C) there was a high risk of any such harm, damage, or loss, though not caused; (D) the gain or potential gain from theft offense(s) was \$300 or more; or (E) dangerous ordinance or a deadly weapon was actually used in the incident, or its use was attempted or threatened. \_\_\_\_\_

4. Culpability:

Assess 2 points if one or more of the following applies: (A) Offender was engaging in continuing criminal activity as a source of income or livelihood; (B) offense was part of a continuing conspiracy to which offender was a party; or (C) offense included shocking and deliberate cruelty in which offender participated or acquiesced. \_\_\_\_\_

5. Mitigation:

Deduct 1 point for **each** of the following, as applicable: (A) There was substantial provocation, justification, or excuse for offense; (B) victim induced or facilitated offense; (C) offense was committed in the heat of anger; and (D) the property damaged, lost, or stolen was restored or recovered without significant cost to the victim. \_\_\_\_\_

NET TOTAL = OFFENSE RATING \_\_\_\_\_

DEFENSE RATING

1. Prior Convictions:

Assess 2 points for each verified prior felony conviction, any jurisdiction. Count adjudications of delinquency for felony as convictions. \_\_\_\_\_

Assess 1 point for each verified prior misdemeanor conviction and jurisdiction. Count adjudications of delinquency for misdemeanor as convictions. Do not count traffic or intoxication offenses or disorderly conduct, disturbing the peace, or equivalent offenses.

2. Repeat Offenses:

Assess 2 points if present offense is offense of violence, sex offense, theft offense, or drug abuse offense, and offender has one or more prior convictions for same type of offenses. \_\_\_\_\_

3. Prison Commitments:

Assess 2 points if offender was committed on one or more occasions to a penitentiary, reformatory, or equivalent institution in any jurisdiction. Count commitments to state youth commission or similar commitments in other jurisdictions. \_\_\_\_\_

4. Parole and Similar Violations:

Assess 2 points if one or more of the following applies: (A) Offender has previously had probation or parole for misdemeanor or felony revoked; (B) present offense committed while offender on probation or parole; (C) present offense committed while offender free on bail; or (D) present offense committed while offender in custody. \_\_\_\_\_

5. Credits:

Deduct 1 point for each of the following as applicable: (A) Offender has voluntarily made bona fide, realistic arrangements for at least partial restitution; (B) offender was age 25 or older at time of first felony conviction; (C) offender has been substantially law abiding for at least 3 years; and (D) offender lives with his or her spouse or minor children or both and is either a breadwinner for the family or, if there are minor children, a housewife.

NET TOTAL = OFFENDER RATING \_\_\_\_\_