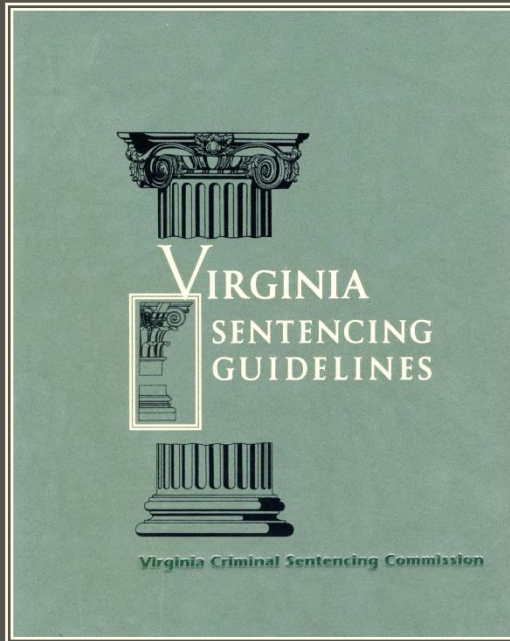




# VIRGINIA CRIMINAL SENTENCING COMMISSION



## Possible Recommendations for Guidelines Revisions

September 11, 2023

# Modifications to the Sentencing Guidelines

- **The Commission closely monitors the sentencing guidelines system and, each year, deliberates upon possible modifications to the guidelines.**
- **Under § 17.1-806 of the *Code of Virginia*, any modifications adopted by the Commission must be presented in its annual report, due to the General Assembly each December 1.**
- **Unless otherwise provided by law, the changes recommended by the Commission become effective the following July 1.**
- **The following are offenses that staff are monitoring for possible inclusion as Guidelines offenses.**



Delivery of Drugs, Firearms, Explosives, etc. to Prisoner  
§ 18.2-474.1  
Penalty: 1Y – 10Y

**FY2017 – FY2022**  
**Number of Sentencing Events = 401**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>28.2%</b>	<b>N/A</b>
<b>Jail</b>	<b>43.4%</b>	<b>6 Months</b>
<b>Prison</b>	<b>28.4%</b>	<b>13 Months</b>

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**Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.**

Prisoner Possess, Sell, Secrete, etc. Unlawful Chemical  
§ 53.1-203(5)  
Penalty: 1Y – 5Y

**FY2017 – FY2022**  
**Number of Sentencing Events = 269**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>25.3%</b>	<b>N/A</b>
<b>Jail</b>	<b>60.2%</b>	<b>6 Months</b>
<b>Prison</b>	<b>14.5%</b>	<b>1 Year</b>

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**Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.**

Prisoner Possess Weapon; Prisoner Tamper/Damage Fire System  
§ 53.1-203(4); § 53.1-203(9)  
Penalty: 1Y – 5Y

**FY2017 – FY2022**  
**Number of Sentencing Events = 143**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>25.2%</b>	<b>N/A</b>
<b>Jail</b>	<b>49.0%</b>	<b>6 Months</b>
<b>Prison</b>	<b>25.9%</b>	<b>18 Months</b>

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**Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.**

Selling/Possessing Drugs While Possessing Firearm  
§ 18.2-308.4(A-C)  
Penalty: 1Y – 5Y

FY2017 – FY2022  
Number of Sentencing Events = 143

Disposition	Percent	Median Sentence
No Incarceration	52.4%	N/A
Jail	28.7%	3 Months
Prison	18.9%	2 Years

Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.

Distribution of Methamphetamine – 10g or Greater  
§ 18.2-248(C,4)  
Penalty: 5Y - Life

**FY2017 – FY2022**  
**Number of Sentencing Events = 234**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>6.0%</b>	<b>N/A</b>
<b>Jail</b>	<b>5.6%</b>	<b>8 Months</b>
<b>Prison</b>	<b>88.5%</b>	<b>5 Years</b>

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Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.

Violation of Protective Order – 3<sup>rd</sup> Within 20 Years  
§ 16.1-253.2(A)  
Penalty: 1Y – 5Y

**FY2017 – FY2022**  
**Number of Sentencing Events = 100**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>0.0%</b>	<b>N/A</b>
<b>Jail</b>	<b>68.0%</b>	<b>6 Months</b>
<b>Prison</b>	<b>32.0%</b>	<b>22.5 Months</b>

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**Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.**



Resisting Arrest with Threats, Bodily Harm, or Force  
§ 18.2-460(C)  
Penalty: 1Y – 10Y

FY2017 – FY2022  
Number of Sentencing Events = 163

Disposition	Percent	Median Sentence
No Incarceration	31.9%	N/A
Jail	52.8%	3.9 Months
Prison	15.3%	2 Years

Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.

Torture/Mutilate Dog or Cat Resulting in Serious Injury/Death  
§ 3.2-6570(F)  
Penalty: 1Y – 5Y

**FY2017 – FY2022**  
**Number of Sentencing Events = 91**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>30.8%</b>	<b>N/A</b>
<b>Jail</b>	<b>39.6%</b>	<b>3.3 Months</b>
<b>Prison</b>	<b>29.7%</b>	<b>20 Months</b>

Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.

Conspire to Commit or Assist in Grand Larceny  
§ 18.2-23(B)  
Penalty: 1Y – 20Y

**FY2017 – FY2022**  
**Number of Sentencing Events = 110**

<b>Disposition</b>	<b>Percent</b>	<b>Median Sentence</b>
<b>No Incarceration</b>	<b>23.6%</b>	<b>N/A</b>
<b>Jail</b>	<b>54.5%</b>	<b>3.3 Months</b>
<b>Prison</b>	<b>21.8%</b>	<b>18 Months</b>

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**Data reflect events in which this offense was the primary  
(or most serious) offense at sentencing.**

Update on Robbery Penalty Structure Changes  
§ 18.2-58  
Penalty Varies

**FY2022 – FY2023**

<b>Robbery causes death</b>	<b>2</b>
<b>Robbery causes serious bodily injury</b>	<b>10</b>
<b>Robbery by using/displaying firearm</b>	<b>125</b>
<b>Robbery by using physical force, no serious bodily injury</b>	<b>66</b>
<b>Robbery by using or displaying other deadly weapon (not firearm)</b>	<b>41</b>
<b>Robbery by threat, etc., no deadly weapon</b>	<b>68</b>



VIRGINIA  
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