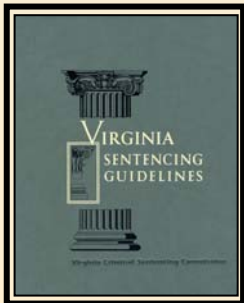


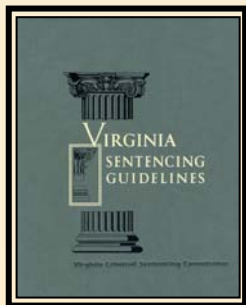
Recommendations
Administrative
and
Adding Offenses to
Sentencing Guidelines

Administrative



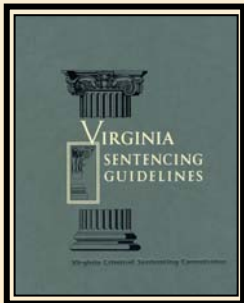
Recommendation A

Rule of Court



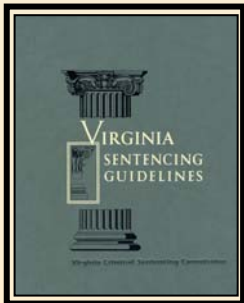
Rule of Court

- §19.2-298.01
 - Completion and Submission of Worksheets
 - Provide Departure Reason
 - Clerk Must Submit Worksheets to VCSC
- No Requirement
 - Probation Violation Guidelines
 - Sentencing Revocation Report



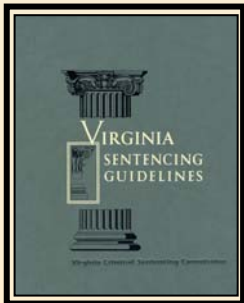
Rule of Court

- Recommendation A
 - Establish a Rule of Court
 - Completion of Sentencing Revocation Report in Every Felony Cases Involving a Violation of Probation
 - Judicial Review of Probation Violation Guidelines
 - Written Explanation of Departures from Guidelines
 - Submission of Documents and Dispositions by Clerk



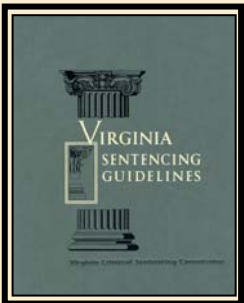
Recommendation B

Modify Code of Virginia



Modify Code of Virginia

- Access to Juvenile Record
 - For Research Purposes
 - Score Juvenile Convictions on Guidelines
 - Recidivism Studies
 - Central Criminal Records Exchange
 - § 19.2-389.1

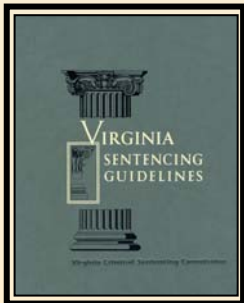


19.2-389.1. Dissemination of juvenile record information. —

Record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of this title, a presentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation programs established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Department of Forensic Science to verify its authority to maintain the juvenile's sample in the DNA data bank pursuant to § 16.1-299.1; and (viii) to the Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.1-70.1 et seq.).

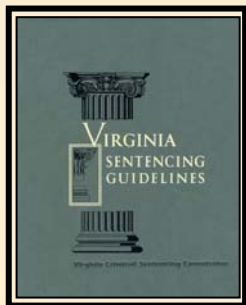
Modify Code of Virginia

- Recommendation B
 - Modify §19.2-289.1 of the *Code of Virginia*
 - VCSC Access to Juvenile Record
 - For Research Purposes Only
 - Maintained by CCRE (State Police)



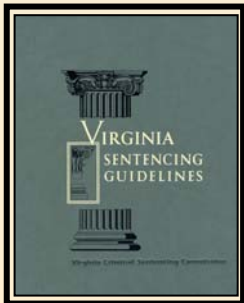
Recommendation C

Modify Code of Virginia



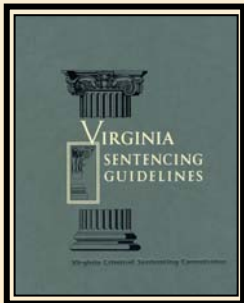
Pre-sentence Reports

- Require pre-sentence reports
 - In all felony sex offense cases
- Sentencing Guidelines Risk Assessment
- Accurate Research
- Civil Commitment



Pre-sentence Reports

- VCSC Recommendation Accepted in 2000
 - Effective July 1, 2001



Text in effect from July 1, 2001, until July 1, 2003.

§ 19.2-299. Investigations and reports by probation officers in certain cases. —

A. when a person is tried in a circuit court (i) upon a charge of assault and battery in violation of § 18.2-57 or § 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, or driving while intoxicated in violation of § 18.2-266, and is adjudged guilty of such charge, the court may, or on motion of the defendant shall, or (ii) upon a felony charge not set forth in subdivision (iii) below, the court may when there is a plea agreement between the defendant and the Commonwealth and shall when the defendant pleads guilty without a plea agreement or is found guilty by the court after a plea of not guilty, or (iii) the court shall when a person is charged and adjudged guilty of a felony violation, or conspiracy to commit or attempt to commit a felony violation, of §§ 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.2:1, 18.2-67.3, 18.2-67.4:1, 18.2-67.5:1, 18.2-355, 18.2-356, 18.2-357, 18.2-358, 18.2-361, 18.2-362, 18.2-366, 18.2-367, 18.2-368, 18.2-370, 18.2-370.1, or § 18.2-370.2, or any attempt to commit or conspiracy to commit any felony violation of §§ 18.2-67.5, 18.2-67.5:2, or § 18.2-67.5:3, direct a probation officer of such court to thoroughly investigate and report upon the history of the accused, including a report of the accused's criminal record as an adult and available juvenile court records, and all other relevant facts, to fully advise the court so the court may determine the appropriate sentence to be imposed. The probation officer, after having furnished a copy of this report at least five days prior to sentencing to counsel for the accused and the attorney for the Commonwealth for their permanent use, shall submit his report in advance of the sentencing hearing to the judge in chambers, who shall keep such report confidential. The probation officer shall be available to testify from this report in open court in the presence of the accused, who shall have been advised of its contents and be given the right to cross-examine the investigating officer as to any matter contained therein and to present any additional facts bearing upon the matter. The report of the investigating officer shall at all times be kept confidential by each recipient, and shall be filed as a part of the record in the case. Any report so filed shall be sealed upon the entry of the sentencing order by the court and made available only by court order, except that such reports or copies thereof shall be available at any time to any criminal justice agency, as defined in § 9.1-101, of this or any other state or of the United States; to any agency where the accused is referred for treatment by the court or by probation and parole services; and to counsel for any person who has been indicted jointly for the same felony as the person subject to the report. Any report prepared pursuant to the provisions hereof shall without court order be made available to counsel for the person who is the subject of the report if that person is charged with a felony subsequent to the time of the preparation of the report. The presentence report shall be in a form prescribed by the Department of Corrections. In all cases where such report is not ordered, a simplified report shall be prepared on a form prescribed by the Department of Corrections.

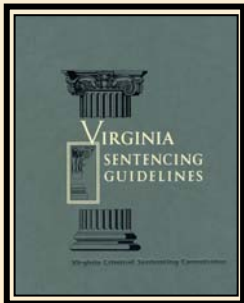
Amendments by Acts 2003, cc. 146, 613, effective July 1, 2003, added or deleted language as follows:

§ 19.2-299. Investigations and reports by probation officers in certain cases. —

A. **Unless waived by the court and the defendant and the attorney for the Commonwealth**, when a person is tried in a circuit court (i) upon a charge of assault and battery in violation of § 18.2-57 or § 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, or driving while intoxicated in violation of § 18.2-266, and is adjudged guilty of such charge, the court may, or on motion of the defendant shall, or (ii) upon a felony charge not set forth in subdivision (iii) below, the court may when there is a plea agreement between the defendant and the Commonwealth and shall when the defendant pleads guilty without a plea agreement or is found guilty by the court after a plea of not guilty, or (iii) the court shall when a person is charged and adjudged guilty of a felony violation, or conspiracy to commit or attempt to commit a felony violation, of §§ 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.2:1, 18.2-67.3, 18.2-67.4:1, 18.2-67.5:1, 18.2-355, 18.2-356, 18.2-357, 18.2-358, 18.2-361, 18.2-362, 18.2-366, 18.2-367, 18.2-368, 18.2-370, 18.2-370.1, or § 18.2-370.2, or any attempt to commit or conspiracy to commit any felony violation of §§ 18.2-67.5, 18.2-67.5:2, or § 18.2-67.5:3, direct a probation officer of such court to thoroughly investigate and report upon the history of the accused, including a report of the accused's criminal record as an adult and available juvenile court records, and all other relevant facts, to fully advise the court so the court may determine the appropriate sentence to be imposed. The probation officer, after having furnished a copy of this report at least five days prior to sentencing to counsel for the accused and the attorney for the Commonwealth for their permanent use, shall submit his report in advance of the sentencing hearing to the judge in chambers, who shall keep such report confidential. The probation officer shall be available to testify from this report in open court in the presence of the accused, who shall have been advised of its contents and be given the right to cross-examine the investigating officer as to any matter contained therein and to present any additional facts bearing upon the matter. The report of the investigating officer shall at all times be kept confidential by each recipient, and shall be filed as a part of the record in the case. Any report so filed shall be sealed upon the entry of the sentencing order by the court and made available only by court order and shall be sealed upon final order by the court, except that such reports or copies thereof shall be available at any time to any criminal justice agency, as defined in § 9.1-101, of this or any other state or of the United States; to any agency where the accused is referred for treatment by the court or by probation and parole services; and to counsel for any person who has been indicted jointly for the same felony as the person subject to the report. Any report prepared pursuant to the provisions hereof shall without court order be made available to counsel for the person who is the subject of the report if that person is charged with a felony subsequent to the time of the preparation of the report. The presentence report shall be in a form prescribed by the Department of Corrections. In all cases where such report is not ordered, a simplified report shall be prepared on a form prescribed by the Department of Corrections.

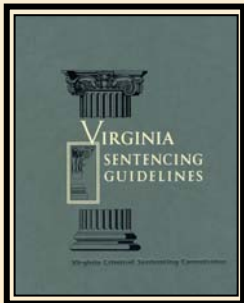
Pre-sentence Report

- Recommendation C
 - Amend 19.2-299 to require pre-sentence reports in all felony sex offense cases



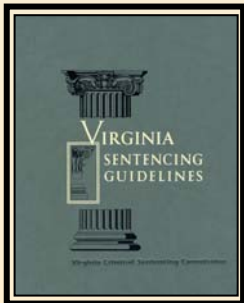
Adding New Offenses

Sentencing Guidelines



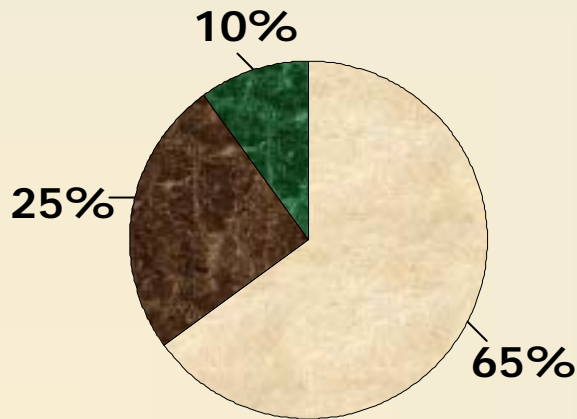
Recommendations

- Best Fit
 - Take Existing Worksheet
 - Incorporate New Offenses
 - Using Current Recommendation Tables

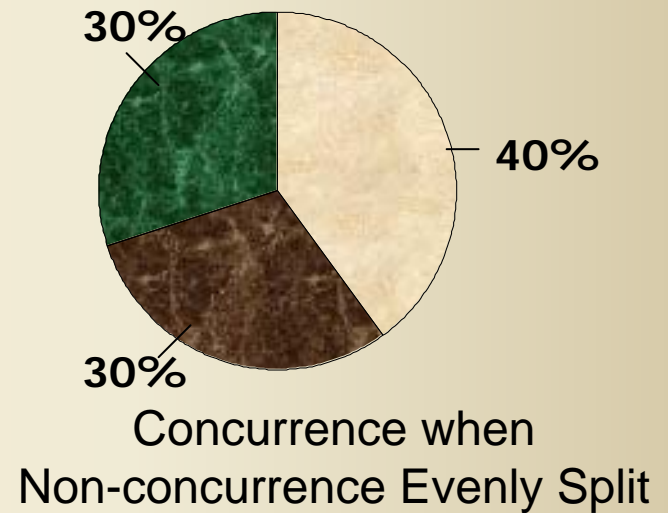


Recommendations

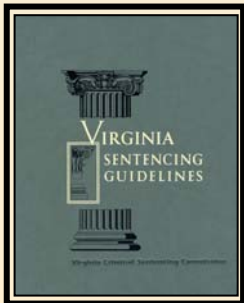
- Projected Judicial Concurrence
 - Score Cases Using Pre-Sentence Report
 - Recommendation With the Highest Concurrence Rate



Highest Concurrence

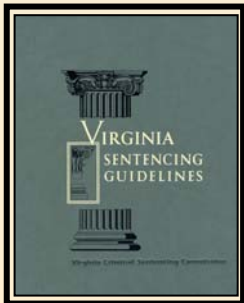


Concurrence when
Non-concurrence Evenly Split



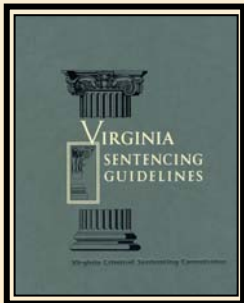
Recommendations

- Fraud
- Traffic
- Miscellaneous
- Weapons



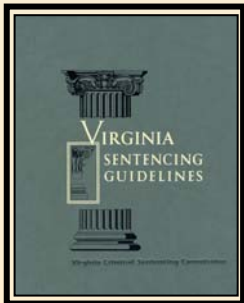
Recommendation 1

Fraud



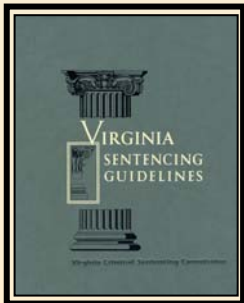
Fraud

- Recommendation 1
 - Add Uttering a Public Record
 - § 18.2-168



Uttering a Public Record

- Background
- Covered by Guidelines Until 1999
 - As Forge a Public Record
 - Separate VCC Issued in 1999 for Uttering

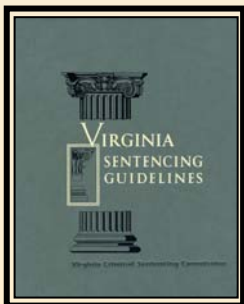


Uttering a Public Record

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	36%	
Up to 6 Months	28%	3 Months
More than 6 Months	36%	1.25 Years

* Number of Cases: 36 (5 years)



Fraud ❖ Section A

Offender Name: _____

◆ Primary Offense

A. Other than listed below	Uttering a Public Record	3	
1 count			3
2 counts			7
3 counts			11
B. Credit card theft			
1 count			4
2 counts			11
C. Welfare or food stamp fraud (\$200 or more)			
1 count			2
2 counts			3
D. Passing bad checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from credit card(\$200 or more)			
1 count			1
2 counts			2
3 counts			8
E. Forging coins, checks or bank notes, or other writings; Uttering; Making or possessing forging instruments			
1 count			2
2 counts			3
3 counts			5
F. Construction fraud			
1 count			2
2 counts			3

Score

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

Years:	Less than 40	0
	40 or more	1

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

Years:	Less than 5	0
	5 - 14	1
	15 - 29	2
	30 - 39	3
	40 or more	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 2	0
	2 - 7	1
	8 - 17	2
	18 - 24	3
	25 - 35	4
	36 or more	5

0	
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Fraud Section B

Offender Name: _____

◆ Primary Offense

A. Other than listed below	Uttering a Public Record	2	
1 count			2
2 counts			4
B. Credit card theft (1 count)			6
C. Welfare or food stamp fraud (\$200 or more)			
1 count			1
2 counts			6
D. Passing bad checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from credit card (\$200 or more)			
1 count			4
2 counts			7
E. Forging coins, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count)			6
F. Construction fraud (1 count)			1

Score

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

Years:	Less than 19	0
	19 - 27	1
	28 - 36	2
	37 or more	3

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

Years:	Less than 2	0
	2 - 9	1
	10 - 18	2
	19 - 27	3
	28 - 36	4
	37 or more	5

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 2	0
	2 - 5	1

Fraud Section C

Offender Name: _____

Primary Offense	Cat I	Cat II	Other
Uttering a Public Record	24	12	6

A. Other than listed below

1 count	24	12	6
2 counts	28	14	7
3 counts	40	20	10
4 counts	56	28	14

B. Credit card theft (1 count) 36 18 9

C. Welfare fraud or food stamp fraud (\$200 or more)

1 count	12	6	3
2 counts	20	10	5

D. Forging coins, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments

1 count	28	14	7
2 - 3 counts	32	16	8
4 counts	40	20	10

E. Construction fraud (1 count) 36 18 9

Score

0		
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Primary Offense Additional Counts Assign points for each count of the primary not scored above and total the points

Maximum Penalty:	5	0
(years)	10, 20	1

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

Maximum Penalty:	Less than 10	0
(years)	10, 20	1
	30	2
	40 or more	3

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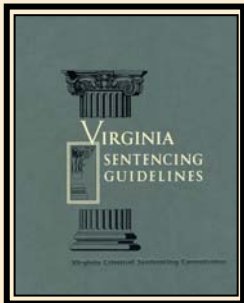
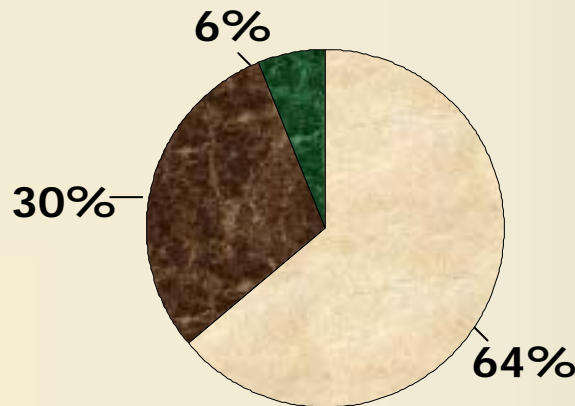
Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record offense and total points

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	4

0		
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Uttering a Public Record

- Score the Same as Forge Public Record
- Base Sentence on Section C is 6 months
- Concurrence:

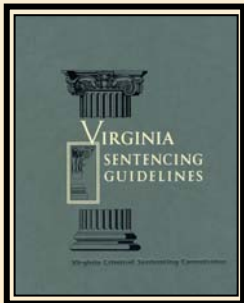


Recommendation 1

Add Uttering a Public Record
§ 18.2-168

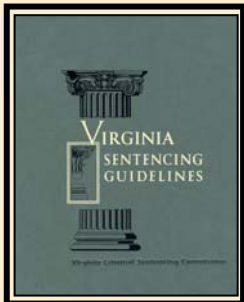
Recommendation 2

Fraud



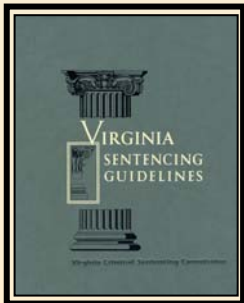
Fraud

- Recommendation 2
 - Add Identity Fraud, Loss of more than \$200
 - § 18.2-186.3(D)



Identity Fraud

- Background
- Added to *Code of Virginia* in 2000

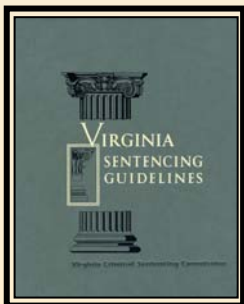


Identity Fraud

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	31%	
Up to 6 Months	22%	4 Months
More than 6 Months	47%	1 Year

* Number of Cases: 51 (4 years)



Fraud ❖ Section A

Offender Name: _____

◆ Primary Offense

A. Other than listed below	Identity Fraud	6	
1 count			3
2 counts			7
3 counts			11
B. Credit card theft			
1 count			4
2 counts			11
C. Welfare or food stamp fraud (\$200 or more)			
1 count			2
2 counts			3
D. Passing bad checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from credit card(\$200 or more)			
1 count			1
2 counts			2
3 counts			8
E. Forging coins, checks or bank notes, or other writings; Uttering; Making or possessing forging instruments			
1 count			2
2 counts			3
3 counts			5
F. Construction fraud			
1 count			2
2 counts			3

Score

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

Years:	Less than 40	0
	40 or more	1

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

Years:	Less than 5	0
	5 - 14	1
	15 - 29	2
	30 - 39	3
	40 or more	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 2	0
	2 - 7	1
	8 - 17	2
	18 - 24	3
	25 - 35	4
	36 or more	5

0	
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Fraud Section B

Offender Name: _____

◆ Primary Offense

A. Other than listed below	Identity Fraud	6	
1 count			2
2 counts			4
B. Credit card theft (1 count)			6
C. Welfare or food stamp fraud (\$200 or more)			
1 count			1
2 counts			6
D. Passing bad checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from credit card (\$200 or more)			
1 count			4
2 counts			7
E. Forging coins, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count)			6
F. Construction fraud (1 count)			1

Score

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

Years:	Less than 19	0
	19 - 27	1
	28 - 36	2
	37 or more	3

0	
---	--

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

Years:	Less than 2	0
	2 - 9	1
	10 - 18	2
	19 - 27	3
	28 - 36	4
	37 or more	5

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 2	0
	2 - 5	1

Fraud Section C

Offender Name: _____

Primary Offense	Cat I	Cat II	Other
Identity Fraud	36	18	9

- A. Other than listed below
 - 1 count 24 12 6
 - 2 counts 28 14 7
 - 3 counts 40 20 10
 - 4 counts 56 28 14
- B. Credit card theft (1 count) 36 18 9
- C. Welfare fraud or food stamp fraud (\$200 or more)
 - 1 count 12 6 3
 - 2 counts 20 10 5
- D. Forging coins, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments
 - 1 count 28 14 7
 - 2 - 3 counts 32 16 8
 - 4 counts 40 20 10
- E. Construction fraud (1 count) 36 18 9

Score

0		
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◆ **Primary Offense Additional Counts** Assign points for each count of the primary not scored above and total the points

- Maximum Penalty: 5 0
- (years) 10, 20 1

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

- Maximum Penalty: Less than 10 0
- (years) 10, 20 1
- 30 2
- 40 or more 3

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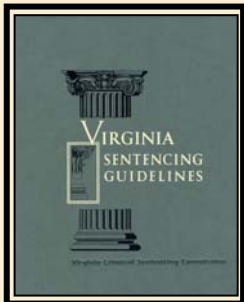
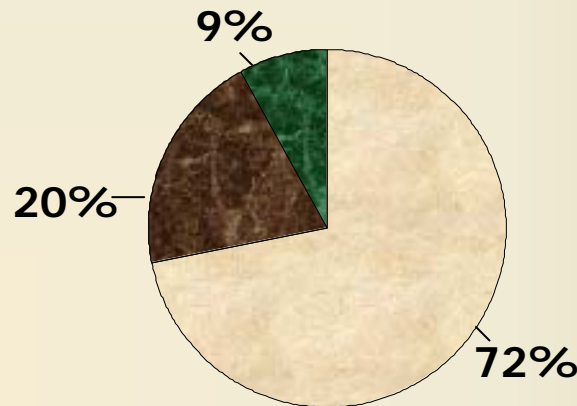
◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record offense and total points

- Maximum Penalty: Less than 5 0
- (years) 5, 10 1
- 20 2
- 30 3
- 40 or more 4

0		
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Identity Fraud

- Base Sentence on Section C is 9 months
- Concurrence:

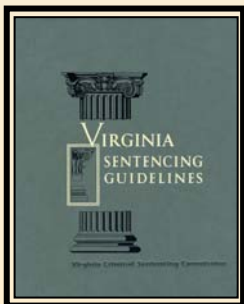


Recommendation 2

Add Identity Fraud, Loss of more than \$200
§ 18.2-186.3(D)

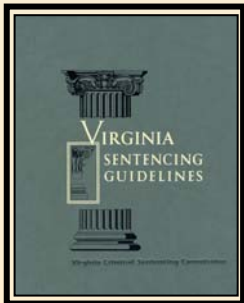
Recommendation 3

Fraud



Fraud

- Recommendation 3
 - Add Make False Application for Welfare Assistance
 - § 63.2-502

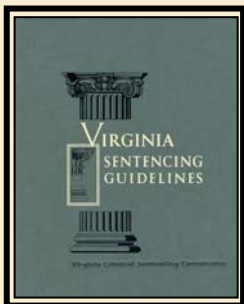


False Application for Welfare

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	53%	
Up to 6 Months	38%	2 Months
More than 6 Months	9%	8 Mos & 6 Yrs

* Number of Cases: 21 (5 years)



Fraud ❖ Section A

Offender Name: _____

◆ Primary Offense

A. Other than listed below	False Application for Welfare Assistance	2	
1 count			3
2 counts			7
3 counts			11
B. Credit card theft			
1 count			4
2 counts			11
C. Welfare or food stamp fraud (\$200 or more)			
1 count			2
2 counts			3
D. Passing bad checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from credit card(\$200 or more)			
1 count			1
2 counts			2
3 counts			8
E. Forging coins, checks or bank notes, or other writings; Uttering; Making or possessing forging instruments			
1 count			2
2 counts			3
3 counts			5
F. Construction fraud			
1 count			2
2 counts			3

Score

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

Years:	Less than 40	0
	40 or more	1

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

Years:	Less than 5	0
	5 - 14	1
	15 - 29	2
	30 - 39	3
	40 or more	4

0	
---	--

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

Years:	Less than 2	0
	2 - 7	1
	8 - 17	2
	18 - 24	3
	25 - 35	4
	36 or more	5

0	
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Fraud Section B

Offender Name: _____

◆ Primary Offense

A. Other than listed below	False Application for Welfare Assistance 1	
1 count		2
2 counts		4
B. Credit card theft (1 count)		6
C. Welfare or food stamp fraud (\$200 or more)		
1 count		1
2 counts		6
D. Passing bad checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from credit card (\$200 or more)		
1 count		4
2 counts		7
E. Forging coins, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count)		6
F. Construction fraud (1 count)		1

Score

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

Years:	Less than 19	0
	19 - 27	1
	28 - 36	2
	37 or more	3

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

Years:	Less than 2	0
	2 - 9	1
	10 - 18	2
	19 - 27	3
	28 - 36	4
	37 or more	5

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 2	0
	2 - 5	1

Fraud Section C

Offender Name: _____

	Cat I	Cat II	Other
◆ Primary Offense — False Application for Welfare	12	6	3

A. Other than listed below			
1 count	24	12	6
2 counts	28	14	7
3 counts	40	20	10
4 counts	56	28	14
B. Credit card theft (1 count)	36	18	9
C. Welfare fraud or food stamp fraud (\$200 or more)			
1 count	12	6	3
2 counts	20	10	5
D. Forging coins, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments			
1 count	28	14	7
2 - 3 counts	32	16	8
4 counts	40	20	10
E. Construction fraud (1 count)	36	18	9

Score

0		
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◆ **Primary Offense Additional Counts** Assign points for each count of the primary not scored above and total the points

Maximum Penalty:	5	0
(years)	10, 20	1

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

Maximum Penalty:	Less than 10	0
(years)	10, 20	1
	30	2
	40 or more	3

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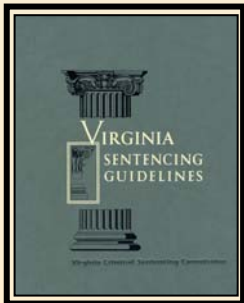
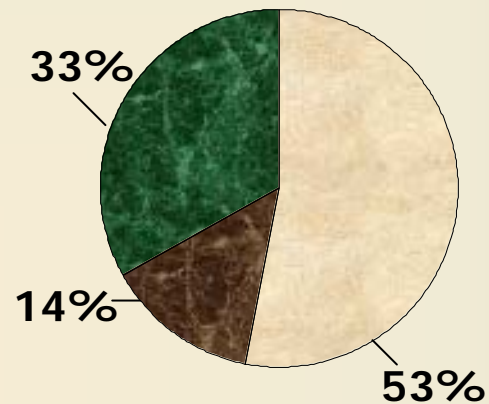
◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record offense and total points

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	4

0		
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False Application for Welfare

- Base Sentence on Section C is 3 months
- Concurrence:

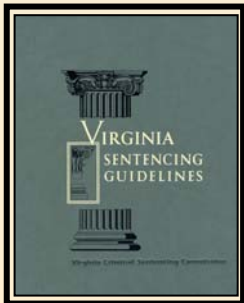


Recommendation 3

Add Make False Application for Welfare Assistance
§ 63.2-502

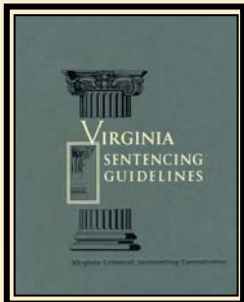
Recommendations

- Fraud
- Traffic
- Miscellaneous
- Weapons



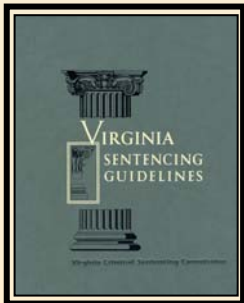
Recommendation 4

Traffic



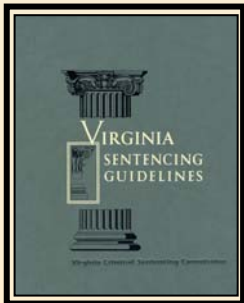
Traffic

- Recommendation 4
 - Add Disregard Police Command to Stop (Eluding)
 - § 46.2-817



Disregard Police Command to Stop

- Background
- Crime elevated to Class 6 felony in 1999
- Guideline users have asked about this offense

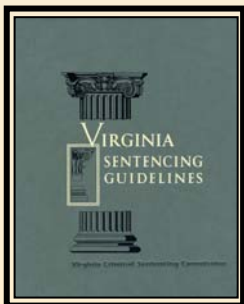


Disregard Police Command to Stop

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	24%	
Up to 6 Months	29%	4 Months
More than 6 Months	47%	1 Year

* Number of Cases: 566 (5 years)



Traffic/Felony Section A

Offender Name: _____

Disregard Police Command to Stop

5

◆ Primary Offense

A.	DWI - Third conviction within 5 years (1 count)	1
B.	DWI - Third conviction within 10 years (1 count)	1
C.	DWI - Fourth or subsequent conviction within 10 years (1 count)	9
D.	Habitual Offender: endangerment, second or subsequent, or DWI and declared habitual offender for DWI, involuntary manslaughter (1 count)	9
E.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - endangerment (1 count)	9
F.	Drive on revoked license after DWI, involuntary manslaughter or DWI victim permanently impaired (maiming) and DWI etc. violation (1 count)	9
G.	Drive on revoked license after DWI, involuntary manslaughter or DWI victim permanently impaired (maiming) - second or subsequent (1 count)	9
H.	Hit and run, driver fails to stop and aid victim	
	1 count	1
	2 counts	4

Score

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

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

Years: Less than 1 0

Any Prior Traffic Felony Convictions (score only if Primary Offense is Disregard Police Command to Stop):

If YES → add 8

0	
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◆	Threatened, emotional or physical	1
	Serious physical	2

0	
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Traffic/Felony Section B

Offender Name: _____

◆ **Primary Offense** Disregard Police Command to Stop 9

- A. DWI – Third conviction within 5 years (1 count) 10
- B. DWI – Third conviction within 10 years (1 count) 10
- C. Hit and run, driver fails to stop and aid victim (1 count) 10

Score
▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

0	
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◆ **Any Prior Traffic Felony Convictions (score only if Primary Offense is Disregard Police Command to Stop):**

If YES → add 1

0	
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◆ **Legally Restrained at Time of Offense** _____ If YES, add 1 →

0	
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Traffic/Felony

	Cat I	Cat II	Other
Disregard Police Command	40	20	10

◆ Primary Offense

A.	DWI - Third conviction within 5 years (1 count)	20	10	5
B.	DWI - Third conviction within 10 years (1 count)	20	10	5
C.	DWI - Fourth or subsequent conviction within 10 years			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
D.	Habitual Offender: endangerment, second or subsequent, or DWI and declared habitual offender for DWI, involuntary manslaughter			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
E.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - endangerment			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
F.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) and DWI etc. violation			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
G.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - second or subsequent			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
H.	Hit and run, driver fails to stop and aid victim			
	1 count	20	10	5

Score

0		
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◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty:	5, 10	1
(years)		

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

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	5

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◆ DWI Convictions for Current Event

Primary Offense:	Habitual offender or Drive on a revoked license with DWI as additional offense	11
	DWI fourth offense	2
	DWI third offense or Hit and run with DWI as additional offense	0

0		
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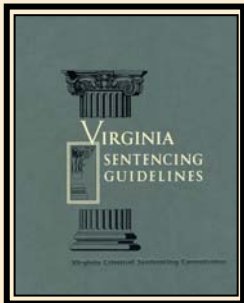
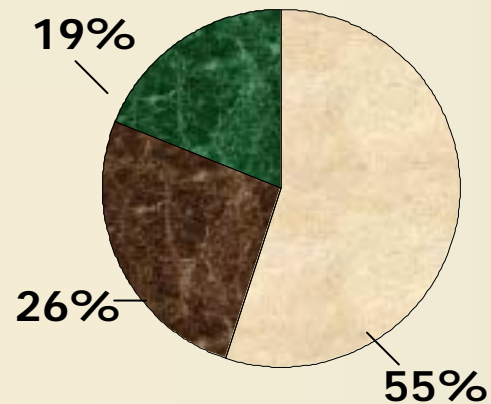
◆ Victim Injury

Threatened or emotional	2
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Disregard Police Command to Stop

- Base Sentence on Section C is 10 months
- Concurrence:

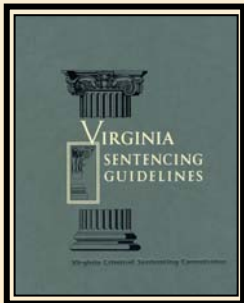


Recommendation 4

Add Disregard Police Command to Stop (Eluding)
§ 46.2-817

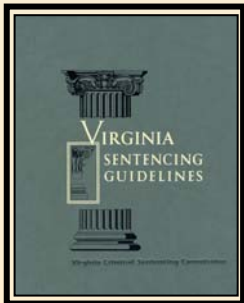
Recommendation 5

Traffic



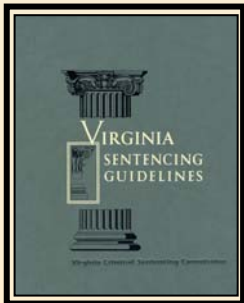
Traffic

- Recommendation 5
 - Add Hit and Run
 - Driver Fails to Report Damage of \$1,000 or more
 - § 46.2-894



Hit and Run, \$1,000+ Property Damage

- Background
- Crime elevated to Class 6 felony in 2001
- Property damage of \$1,000 or less was reduced to a misdemeanor in 2002
- Guideline users have asked about this offense

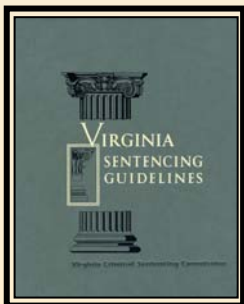


Hit and Run, \$1,000+ Property Damage

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	28%	
Up to 6 Months	35%	2 Months
More than 6 Months	37%	1.6 Years

* Number of Cases: 99 (1 year)



Traffic/Felony Section A

Offender Name: _____

Hit and Run, \$1,000+ Property Damage 3

◆ **Primary Offense**

A. DWI - Third conviction within 5 years (1 count)	1
B. DWI - Third conviction within 10 years (1 count)	1
C. DWI - Fourth or subsequent conviction within 10 years (1 count)	9
D. Habitual Offender: endangerment, second or subsequent, or DWI and declared habitual offender for DWI, involuntary manslaughter (1 count)	9
E. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - endangerment (1 count)	9
F. Drive on revoked license after DWI, involuntary manslaughter or DWI victim permanently impaired (maiming) and DWI etc. violation (1 count)	9
G. Drive on revoked license after DWI, involuntary manslaughter or DWI victim permanently impaired (maiming) - second or subsequent (1 count)	9
H. Hit and run, driver fails to stop and aid victim	
1 count	1
2 counts	4

Score

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

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

Years:	Less than 1	0
	1 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
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◆ **Victim Injury**

Threatened, emotional or physical	1
Serious physical	2

0	
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Traffic/Felony Section B

Offender Name: _____

◆ **Primary Offense** Hit and Run, \$1,000+ Property Damage 9

- A. DWI – Third conviction within 5 years (1 count) 10
- B. DWI – Third conviction within 10 years (1 count) 10
- C. Hit and run, driver fails to stop and aid victim (1 count) 10

Score
▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

0	
---	--

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

0	
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◆ **Victim Injury**

- Threatened, emotional, or physical 2
- Serious physical 3

0	
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◆ **Legally Restrained at Time of Offense**

————— If YES, add 1 ———→

0	
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Traffic/Felony

	Cat I	Cat II	Other
Hit and Run, Property	20	10	5

◆ Primary Offense

A.	DWI - Third conviction within 5 years (1 count)	20	10	5
B.	DWI - Third conviction within 10 years (1 count)	20	10	5
C.	DWI - Fourth or subsequent conviction within 10 years			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
D.	Habitual Offender: endangerment, second or subsequent, or DWI and declared habitual offender for DWI, involuntary manslaughter			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
E.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - endangerment			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
F.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) and DWI etc. violation			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
G.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - second or subsequent			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
H.	Hit and run, driver fails to stop and aid victim			
	1 count	20	10	5

Score

0		
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◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty:	5, 10	1
(years)		

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

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	5

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◆ DWI Convictions for Current Event

Primary Offense:	Habitual offender or Drive on a revoked license with DWI as additional offense	11
	DWI fourth offense	2
	DWI third offense or Hit and run with DWI as additional offense	0

0		
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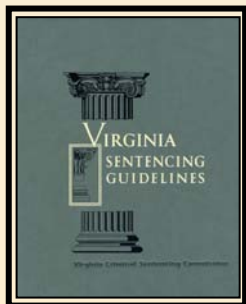
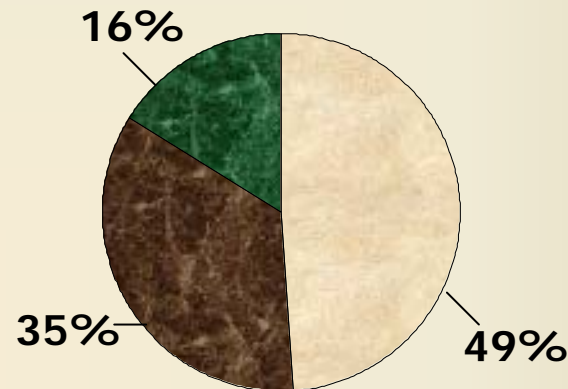
◆ Victim Injury

Threatened or emotional	2
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Hit and Run, \$1,000+ Property Damage

- Base Sentence on Section C is 5 months
- Concurrence:



Recommendation 5

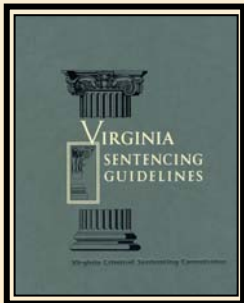
Add Hit and Run

Driver Fails to Report Damage of \$1,000 or more

§ 46.2-894

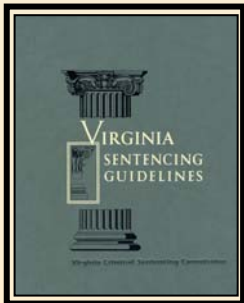
Recommendations

- Fraud
- Traffic
- Miscellaneous
- Weapons



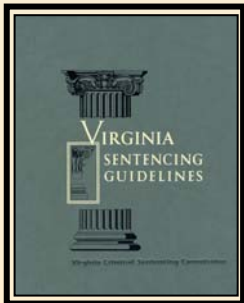
Recommendation 6

Miscellaneous



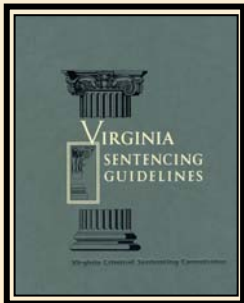
Miscellaneous

- Recommendation 6
 - Add Threats by Letter, Communication or Electronic Message
 - § 18.2-60



Threats

- Background
- Crime substantially rewritten in 2002, but intent of law has not changed

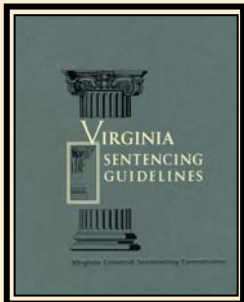


Threats

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	30%	
Up to 6 Months	15%	2.5 Months
More than 6 Months	55%	2 Years

* Number of Cases: 40 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ Primary Offense **Threats** 3

A.	Burning of personal property, standing grain, etc., value \$200 or more	
	1 count	2
	2 counts	6
B.	Threatening to bomb, burn or explode (1 count)	1
C.	Child neglect/abuse	
	1 count	2
	2 counts	6
D.	Failure to appear in court for felony offense	
	1 count	1
	2 counts	4
E.	Perjury, falsely swear an oath (1 count)	1
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	3
G.	Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H.	Possession of sawed-off shotgun (1 count)	2
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J.	Possession of firearm or concealed weapon by convicted felon	
	1 count	3
	2 counts	4
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

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

Years:	Less than 1	0
	1 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
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◆ Victim Injury

	Threatened, emotional or physical	1
	Serious physical	2

0	
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Miscellaneous Section B

Offender Name: _____

◆ Primary Offense Threats 7

- A. Burning of personal property, standing grain, etc., value \$200 or more (1 count) 6
- B. Threatening to bomb, burn or explode (1 count) 6
- C. Child neglect/abuse (1 count) 1
- D. Failure to appear in court for felony offense (1 count) 10
- E. Perjury, falsely swear an oath (1 count) 7
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 7
- G. Maliciously discharge firearm, etc. in/at occupied building (1 count) 7
- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
 Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

Score

▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
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◆ Victim Injury

Primary offense other than child neglect/abuse

Points	Points
Threatened, emotional, or physical	0

Primary offense child neglect /abuse

Points	Points
Threatened, emotional, or physical	0



Miscellaneous Section C

Offender Name: _____

◆ Primary Offense		Cat I	Cat II	Other
	Threats	40	20	10
A.	Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B.	Threatening to burn, bomb or explode (1 count)	32	16	8
C.	Child neglect/abuse (1 count)	36	18	9
D.	Failure to appear in court for felony offense (1 count)	32	16	8
E.	Perjury, falsely swear an oath (1 count)	12	6	3
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G.	Maliciously discharge firearm, etc. in/at occupied building			
	Attempted or conspired: 1 count	32	16	8
	Completed: 1 count	56	28	14
H.	Possession of sawed-off shotgun (1 count)	36	18	9
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J.	Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
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◆ **Primary Offense Additional Counts** Assign points to each count of the primary not scored above and total the points

Maximum Penalty:	5,10	1
(years)		

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

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	5

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◆ **Firearm Used or Brandished** _____ If YES, add 2 →

0	0	
---	---	--

◆ **Victim Injury** _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

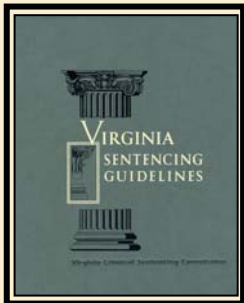
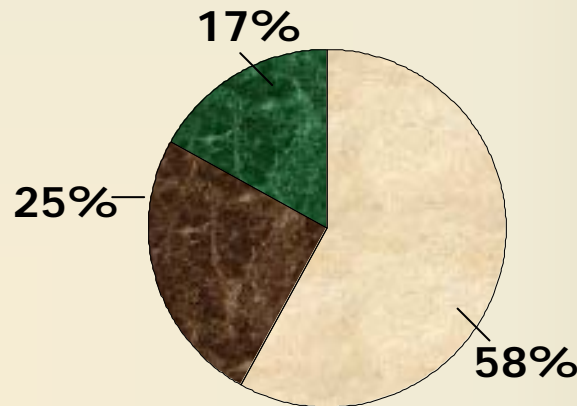
Maximum Penalty:	Less than 20	0
(years)	20, 30, 40 or more	1

0	0	
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◆ **Prior Felony Convictions/Adjudications Against Person**

Threats

- Base Sentence on Section C is 10 months
- Concurrence:

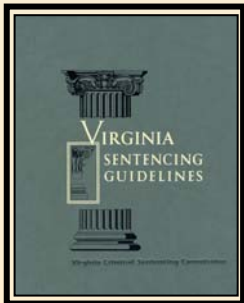


Recommendation 6

Add Threats by Letter, Communication or Electronic Message
§ 18.2-60

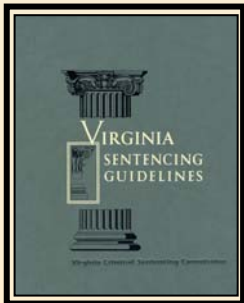
Recommendation 7

Miscellaneous



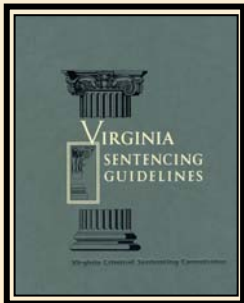
Miscellaneous

- Recommendation 7
 - Add Arson of an Unoccupied Dwelling or Church
 - § 18.2-77(B)



Arson - Unoccupied Dwelling/Church

- Background
- Guideline users have asked about this offense

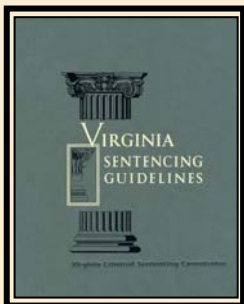


Arson - Unoccupied Dwelling/Church

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	33%	
Up to 6 Months	16%	6 Months
More than 6 Months	51%	2 Years

* Number of Cases: 45 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ Primary Offense **Arson of an Unoccupied Dwelling/Church 6**

A.	Burning of personal property, standing grain, etc., value \$200 or more	
	1 count	2
	2 counts	6
B.	Threatening to bomb, burn or explode (1 count)	1
C.	Child neglect/abuse	
	1 count	2
	2 counts	6
D.	Failure to appear in court for felony offense	
	1 count	1
	2 counts	4
E.	Perjury, falsely swear an oath (1 count)	1
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	3
G.	Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H.	Possession of sawed-off shotgun (1 count)	2
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J.	Possession of firearm or concealed weapon by convicted felon	
	1 count	3
	2 counts	4
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

0	
---	--

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

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

Years:	Less than 1	0
	1 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

◆ Victim Injury

	Threatened, emotional or physical	1
	Serious physical	2

0	
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Miscellaneous Section B

Offender Name: _____

◆ Primary Offense Arson of an Unoccupied Dwelling/Church 6

- A. Burning of personal property, standing grain, etc., value \$200 or more (1 count) 6
- B. Threatening to bomb, burn or explode (1 count) 6
- C. Child neglect/abuse (1 count) 1
- D. Failure to appear in court for felony offense (1 count) 10
- E. Perjury, falsely swear an oath (1 count) 7
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 7
- G. Maliciously discharge firearm, etc. in/at occupied building (1 count) 7
- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
 Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

Score

▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

Points	Points
Threatened, emotional, or physical	0

Primary offense child neglect /abuse

Points	Points
Threatened, emotional, or physical	0



Miscellaneous Section C

Offender Name: _____

	Cat I	Cat II	Other
Arson – Unoccupied Dwelling	68	34	17

◆ Primary Offense

A. Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B. Threatening to burn, bomb or explode (1 count)	32	16	8
C. Child neglect/abuse (1 count)	36	18	9
D. Failure to appear in court for felony offense (1 count)	32	16	8
E. Perjury, falsely swear an oath (1 count)	12	6	3
F. Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
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◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty: 5,10 (years)	1
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◆ Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

--	--	--

◆ Firearm Used or Brandished _____ If YES, add 2 →

0	0	
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◆ Victim Injury _____

Threatened or emotional	2
Physical	4
Serious physical	5

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

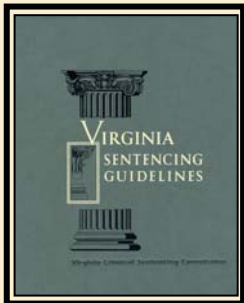
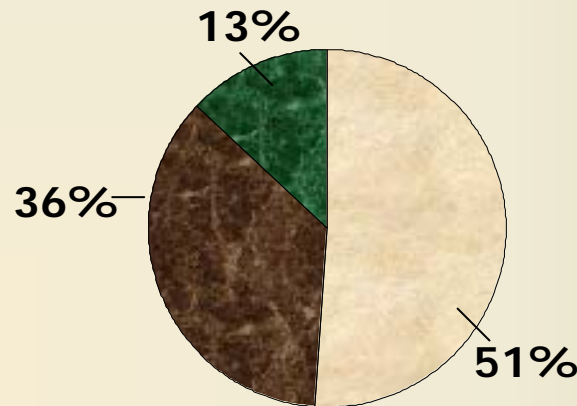
Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

0	0	
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◆ Prior Felony Convictions/Adjudications Against Person

Arson - Unoccupied Dwelling/Church

- Base Sentence on Section C is 17 months
- Concurrence:

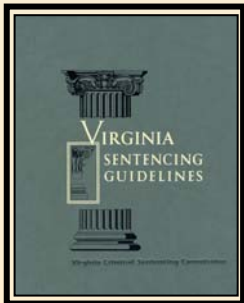


Recommendation 7

Add Arson of an Unoccupied Dwelling or Church
§ 18.2-77(B)

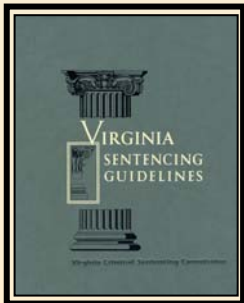
Recommendation 8

Miscellaneous



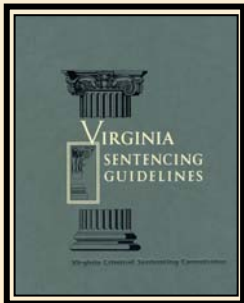
Miscellaneous

- Recommendation 8
 - Add Shoot or Throw Missile at Train, Car, Vessel Without Malice
 - § 18.2-154



Missile at Vehicle Without Malice

- Background
- Guideline users have asked about this offense

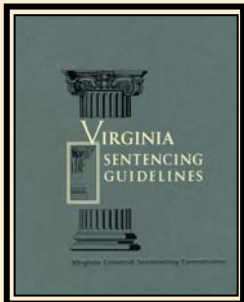


Missile at Vehicle Without Malice

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	47%	
Up to 6 Months	23%	3 Months
More than 6 Months	30%	1.6 Years

* Number of Cases: 64 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ Primary Offense **Missile at Vehicle Without Malice** **3**

A.	Burning of personal property, standing grain, etc., value \$200 or more	
	1 count	2
	2 counts	6
B.	Threatening to bomb, burn or explode (1 count)	1
C.	Child neglect/abuse	
	1 count	2
	2 counts	6
D.	Failure to appear in court for felony offense	
	1 count	1
	2 counts	4
E.	Perjury, falsely swear an oath (1 count)	1
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	3
G.	Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H.	Possession of sawed-off shotgun (1 count)	2
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J.	Possession of firearm or concealed weapon by convicted felon	
	1 count	3
	2 counts	4
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

0

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0

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

Years:	Less than 1	0
	1 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0

◆ Victim Injury

	Threatened, emotional or physical	1
	Serious physical	2

0

Miscellaneous Section B

Offender Name: _____

◆ Primary Offense Missile at Vehicle Without Malice 8

- A. Burning of personal property, standing grain, etc., value \$200 or more (1 count) 6
- B. Threatening to bomb, burn or explode (1 count) 6
- C. Child neglect/abuse (1 count) 1
- D. Failure to appear in court for felony offense (1 count) 10
- E. Perjury, falsely swear an oath (1 count) 7
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 7
- G. Maliciously discharge firearm, etc. in/at occupied building (1 count) 7
- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
 Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

Score

▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse _____

Points	Points
Threatened, emotional, or physical	0

Primary offense child neglect /abuse _____

Points	Points
Threatened, emotional, or physical	0



Miscellaneous Section C

Offender Name: _____

	Cat I	Cat II	Other
Missile at Vehicle w/o Malice	48	24	12

◆ **Primary Offense**

A. Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B. Threatening to burn, bomb or explode (1 count)	32	16	8
C. Child neglect/abuse (1 count)	36	18	9
D. Failure to appear in court for felony offense (1 count)	32	16	8
E. Perjury, falsely swear an oath (1 count)	12	6	3
F. Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
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◆ **Primary Offense Additional Counts** Assign points to each count of the primary not scored above and total the points

Maximum Penalty: 5,10 (years)	1
-------------------------------------	---

--	--	--

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

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

--	--	--

◆ **Firearm Used or Brandished** _____ If YES, add 2 →

0	0	
---	---	--

◆ **Victim Injury** _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

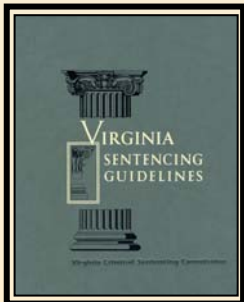
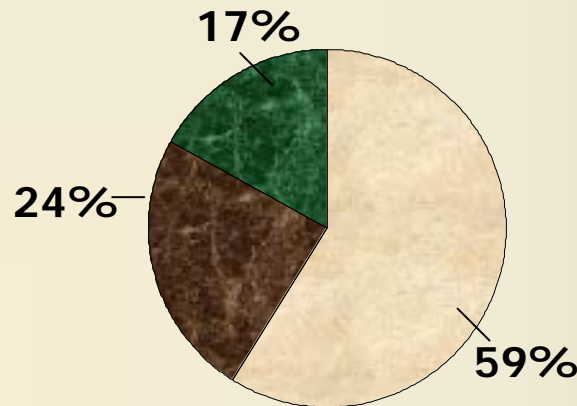
Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

0	0	
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◆ **Prior Felony Convictions/Adjudications Against Person**

Missile at Vehicle Without Malice

- Base Sentence on Section C is 12 months
- Concurrence:

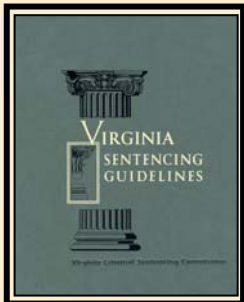


Recommendation 8

Add Shoot or Throw Missile at Train, Car, Vessel Without Malice
§ 18.2-154

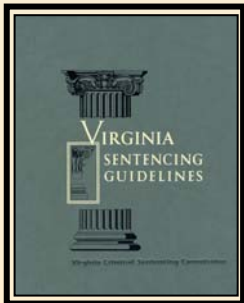
Recommendation 9

Miscellaneous



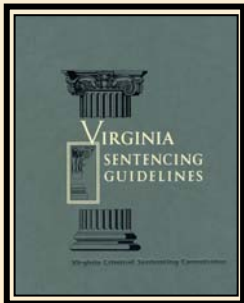
Miscellaneous

- Recommendation 9
 - Add Gross, Wanton, or Reckless Care for Child
 - § 18.2-371.1(B)



Gross or Reckless Care for Child

- Background
- Guideline users have asked about this offense

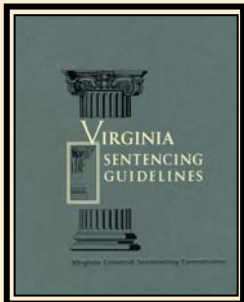


Gross or Reckless Care for Child

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	45%	
Up to 6 Months	27%	3 Months
More than 6 Months	28%	1.5 Years

* Number of Cases: 152 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ **Primary Offense** Gross or Reckless Care for Child 3

- A. Burning of personal property, standing grain, etc., value \$200 or more
 - 1 count 2
 - 2 counts 6
- B. Threatening to bomb, burn or explode (1 count) 1
- C. Child neglect/abuse
 - 1 count 2
 - 2 counts 6
- D. Failure to appear in court for felony offense
 - 1 count 1
 - 2 counts 4
- E. Perjury, falsely swear an oath (1 count) 1
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 3
- G. Maliciously discharge firearm, etc., in/at occupied building (1 count) 2
- H. Possession of sawed-off shotgun (1 count) 2
- I. Possession of Schedule I or II drug while in possession of firearm (1 count) 4
- J. Possession of firearm or concealed weapon by convicted felon
 - 1 count 3
 - 2 counts 4
- K. Maliciously shoot, throw missile at train, car, etc. (1 count) 1

Score

0	
---	--

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

- Years: 5 - 7 1
- 8 - 18 2
- 19 - 28 3
- 29 - 38 4
- 39 or more 5

0	
---	--

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

- Years: Less than 1 0
- 1 - 7 1
- 8 - 18 2
- 19 - 28 3
- 29 - 38 4
- 39 or more 5

0	
---	--

◆ **Victim Injury**

- Threatened, emotional or physical 1
- Serious physical 2

0	
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Miscellaneous Section B

Offender Name: _____

◆ Primary Offense Gross or Reckless Care for Child 1

- A. Burning of personal property, standing grain, etc., value \$200 or more (1 count) 6
- B. Threatening to bomb, burn or explode (1 count) 6
- C. Child neglect/abuse (1 count) 1
- D. Failure to appear in court for felony offense (1 count) 10
- E. Perjury, falsely swear an oath (1 count) 7
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 7
- G. Maliciously discharge firearm, etc. in/at occupied building (1 count) 7
- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

Score

▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

Points	Points
Threatened, emotional, or physical	0

Primary offense child neglect /abuse

Points	Points
Threatened, emotional, or physical	0



Miscellaneous Section C

Offender Name: _____

◆ Primary Offense

Reckless Care for Child

	Cat I	Cat II	Other
Reckless Care for Child	40	20	10

A. Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B. Threatening to burn, bomb or explode (1 count)	32	16	8
C. Child neglect/abuse (1 count)	36	18	9
D. Failure to appear in court for felony offense (1 count)	32	16	8
E. Perjury, falsely swear an oath (1 count)	12	6	3
F. Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
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◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty: 5,10 (years)	1
-------------------------------------	---

--	--	--

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

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

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◆ Firearm Used or Brandished _____ If YES, add 2 →

0	0	
---	---	--

◆ Victim Injury _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

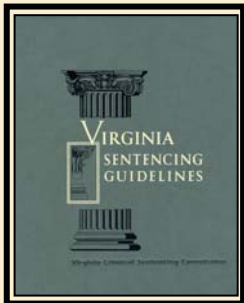
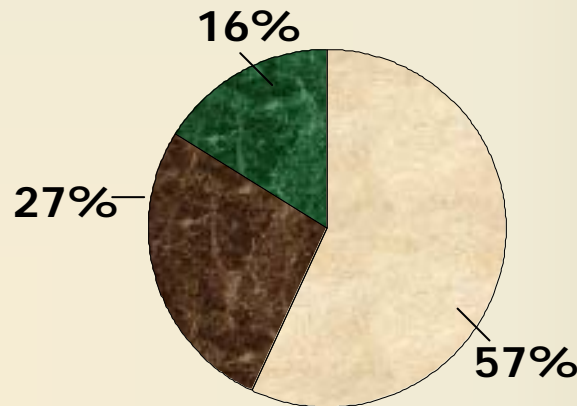
Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

0	0	
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◆ Prior Felony Convictions/Adjudications Against Person

Gross or Reckless Care for Child

- Base Sentence on Section C is 10 months
- Concurrence:

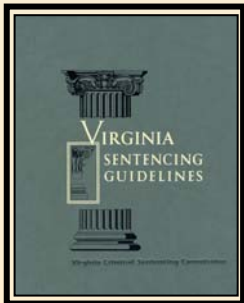


Recommendation 9

Add Gross, Wanton, or Reckless Care for Child
§ 18.2-371.1(B)

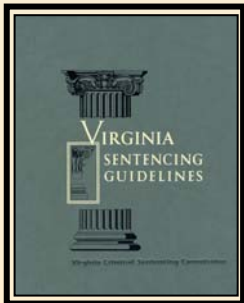
Recommendation 10

Miscellaneous



Miscellaneous

- Recommendation 10
 - Add Perjury – Conflicting Statements
 - § 18.2-435

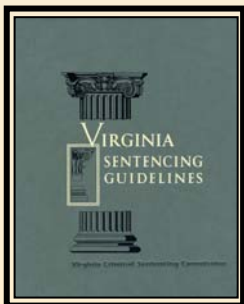


Perjury – Conflicting Statements

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	52%	
Up to 6 Months	22%	4 Months
More than 6 Months	26%	1 Year

* Number of Cases: 50 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ Primary Offense **Perjury – Conflicting Statements** 3

A.	Burning of personal property, standing grain, etc., value \$200 or more	
	1 count	2
	2 counts	6
B.	Threatening to bomb, burn or explode (1 count)	1
C.	Child neglect/abuse	
	1 count	2
	2 counts	6
D.	Failure to appear in court for felony offense	
	1 count	1
	2 counts	4
E.	Perjury, falsely swear an oath (1 count)	1
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	3
G.	Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H.	Possession of sawed-off shotgun (1 count)	2
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J.	Possession of firearm or concealed weapon by convicted felon	
	1 count	3
	2 counts	4
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

0	
---	--

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

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

Years:	Less than 1	0
	1 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
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◆ Victim Injury

	Threatened, emotional or physical	1
	Serious physical	2

0	
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Miscellaneous Section B

Offender Name: _____

◆ Primary Offense Perjury – Conflicting Statements 8

- A. Burning of personal property, standing grain, etc., value \$200 or more (1 count) 6
- B. Threatening to bomb, burn or explode (1 count) 6
- C. Child neglect/abuse (1 count) 1
- D. Failure to appear in court for felony offense (1 count) 10
- E. Perjury, falsely swear an oath (1 count) 7
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 7
- G. Maliciously discharge firearm, etc. in/at occupied building (1 count) 7
- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
 Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

Score

▼

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0

◆ Victim Injury

Primary offense other than child neglect/abuse

Points	Points
Threatened, emotional, or physical	0

Primary offense child neglect /abuse

Points	Points
Threatened, emotional, or physical	0



Miscellaneous Section C

Offender Name: _____

	Cat I	Cat II	Other
Primary Offense			
Perjury	40	20	10

A.	Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B.	Threatening to burn, bomb or explode (1 count)	32	16	8
C.	Child neglect/abuse (1 count)	36	18	9
D.	Failure to appear in court for felony offense (1 count)	32	16	8
E.	Perjury, falsely swear an oath (1 count)	12	6	3
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G.	Maliciously discharge firearm, etc. in/at occupied building			
	Attempted or conspired: 1 count	32	16	8
	Completed: 1 count	56	28	14
H.	Possession of sawed-off shotgun (1 count)	36	18	9
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J.	Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
---	--	--

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

Maximum Penalty:	5,10	1
(years)		

--	--	--

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

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	5

--	--	--

Firearm Used or Brandished _____ If YES, add 2 →

0	0	
---	---	--

Victim Injury _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

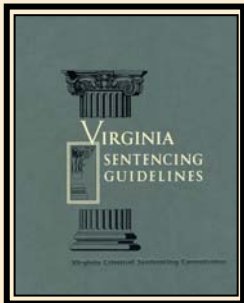
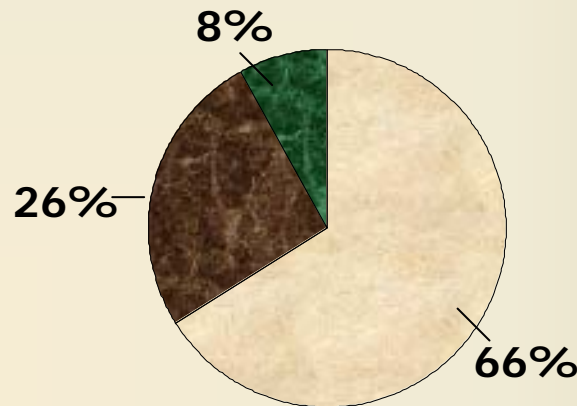
Maximum Penalty:	Less than 20	0
(years)	20, 30, 40 or more	1

0	0	
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Prior Felony Convictions/Adjudications Against Person

Perjury – Conflicting Statements

- Base Sentence on Section C is 10 months
- Concurrence:



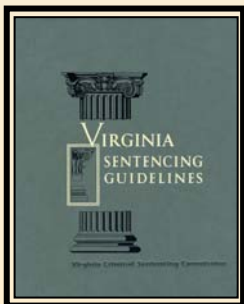
Recommendation 10

Add Perjury – Conflicting Statements

§ 18.2-435

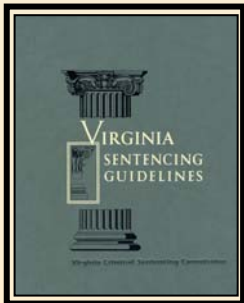
Recommendation 11

Miscellaneous



Miscellaneous

- Recommendation 11
 - Add Escape From a Correctional Facility
 - § 53.1-203(1)

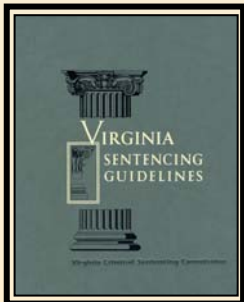


Escape from Correctional Facility

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	0%	
Up to 6 Months	0%	Not Applicable
More than 6 Months	100%	1 Year

* Number of Cases: 24 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ Primary Offense **Escape From Correctional Facility** **7**

- A. Burning of personal property, standing grain, etc., value \$200 or more
 - 1 count 2
 - 2 counts 6
- B. Threatening to bomb, burn or explode (1 count) 1
- C. Child neglect/abuse
 - 1 count 2
 - 2 counts 6
- D. Failure to appear in court for felony offense
 - 1 count 1
 - 2 counts 4
- E. Perjury, falsely swear an oath (1 count) 1
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 3
- G. Maliciously discharge firearm, etc., in/at occupied building (1 count) 2
- H. Possession of sawed-off shotgun (1 count) 2
- I. Possession of Schedule I or II drug while in possession of firearm (1 count) 4
- J. Possession of firearm or concealed weapon by convicted felon
 - 1 count 3
 - 2 counts 4
- K. Maliciously shoot, throw missile at train, car, etc. (1 count) 1

Score

0

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

- Years: 5 - 7 1
- 8 - 18 2
- 19 - 28 3
- 29 - 38 4
- 39 or more 5

0

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

- Years: Less than 1 0
- 1 - 7 1
- 8 - 18 2
- 19 - 28 3
- 29 - 38 4
- 39 or more 5

0

◆ Victim Injury

- Threatened, emotional or physical 1
- Serious physical 2

0

Miscellaneous Section C

Offender Name: _____

	Cat I	Cat II	Other
◆ Primary Offense Escape From Incarceration	40	20	10
A. Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B. Threatening to burn, bomb or explode (1 count)	32	16	8
C. Child neglect/abuse (1 count)	36	18	9
D. Failure to appear in court for felony offense (1 count)	32	16	8
E. Perjury, falsely swear an oath (1 count)	12	6	3
F. Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
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◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty: 5,10 (years)	1
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◆ Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

--	--	--

◆ Firearm Used or Brandished _____ If YES, add 2 →

0	0	
---	---	--

◆ Victim Injury _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

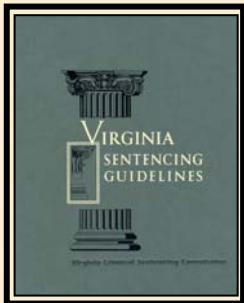
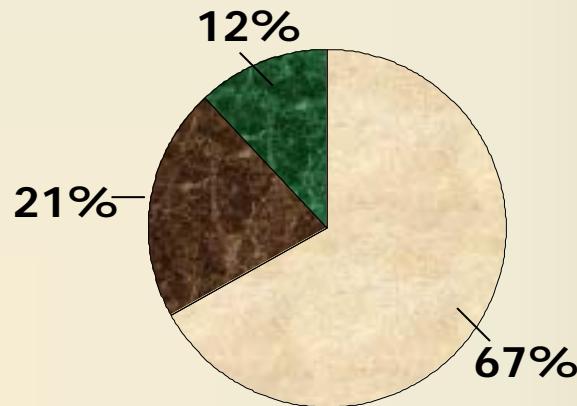
Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

0	0	
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◆ Prior Felony Convictions/Adjudications Against Person

Escape from Correctional Facility

- Base Sentence on Section C is 10 months
- Concurrence:

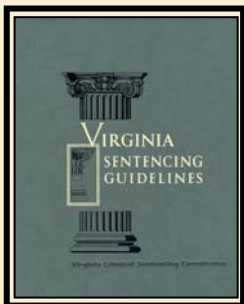


Recommendation 11

Add Escape From a Correctional Facility
§ 53.1-203(1)

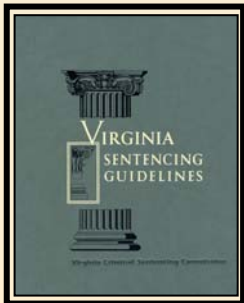
Recommendation 12

Miscellaneous



Miscellaneous

- Recommendation 12
 - Add Prisoner – Make or Possess Deadly Weapon
 - § 53.1-203(4)

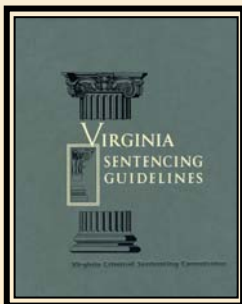


Prisoner With Deadly Weapon

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	5%	
Up to 6 Months	27%	6 Months
More than 6 Months	68%	1.5 Years

* Number of Cases: 22 (5 years)



Miscellaneous Section A

Offender Name: _____

◆ Primary Offense **Prisoner With Deadly Weapon** 3

A.	Burning of personal property, standing grain, etc., value \$200 or more	
	1 count	2
	2 counts	6
B.	Threatening to bomb, burn or explode (1 count)	1
C.	Child neglect/abuse	
	1 count	2
	2 counts	6
D.	Failure to appear in court for felony offense	
	1 count	1
	2 counts	4
E.	Perjury, falsely swear an oath (1 count)	1
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	3
G.	Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H.	Possession of sawed-off shotgun (1 count)	2
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J.	Possession of firearm or concealed weapon by convicted felon	
	1 count	3
	2 counts	4
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

▼

0	
---	--

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

Years:	5 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

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

Years:	Less than 1	0
	1 - 7	1
	8 - 18	2
	19 - 28	3
	29 - 38	4
	39 or more	5

0	
---	--

◆ Victim Injury

	Threatened, emotional or physical	1
	Serious physical	2

0	
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Miscellaneous Section B

Offender Name: _____

◆ Primary Offense Prisoner With Deadly Weapon 10

- A. Burning of personal property, standing grain, etc., value \$200 or more (1 count) 6
- B. Threatening to bomb, burn or explode (1 count) 6
- C. Child neglect/abuse (1 count) 1
- D. Failure to appear in court for felony offense (1 count) 10
- E. Perjury, falsely swear an oath (1 count) 7
- F. Possession of Schedule III drug or marijuana by prisoner (1 count) 7
- G. Maliciously discharge firearm, etc. in/at occupied building (1 count) 7
- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
 Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

Score

▼

--	--

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

▼

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

Points	Points
Threatened, emotional, or physical	0

Primary offense child neglect /abuse

Points	Points
Threatened, emotional, or physical	0



Miscellaneous Section C

Offender Name: _____

◆ Primary Offense

Prisoner - Deadly Weapon

	Cat I	Cat II	Other
Prisoner - Deadly Weapon	48	24	12

A.	Burning of personal property, standing grain, etc., value \$200 or more (1 count)	32	16	8
B.	Threatening to burn, bomb or explode (1 count)	32	16	8
C.	Child neglect/abuse (1 count)	36	18	9
D.	Failure to appear in court for felony offense (1 count)	32	16	8
E.	Perjury, falsely swear an oath (1 count)	12	6	3
F.	Possession of Schedule III drug or marijuana by prisoner (1 count)	32	16	8
G.	Maliciously discharge firearm, etc. in/at occupied building			
	Attempted or conspired: 1 count	32	16	8
	Completed: 1 count	56	28	14
H.	Possession of sawed-off shotgun (1 count)	36	18	9
I.	Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J.	Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K.	Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
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◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty:	5,10	1
(years)		

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

Maximum Penalty:	Less than 5	0
(years)	5, 10	1
	20	2
	30	3
	40 or more	5

--	--	--

◆ Firearm Used or Brandished _____ If YES, add 2 →

0	0	
---	---	--

◆ Victim Injury _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

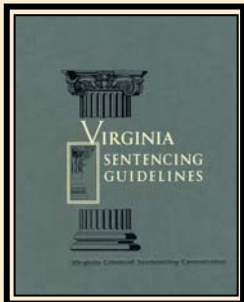
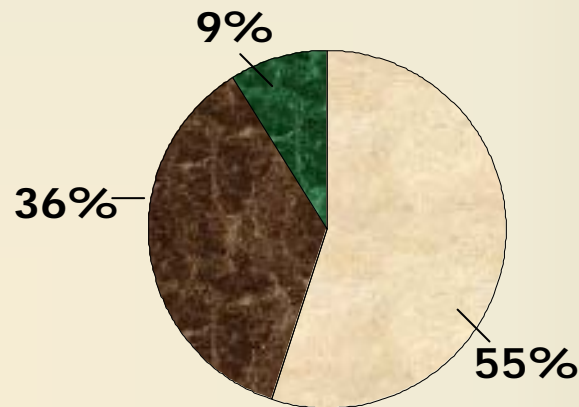
Maximum Penalty:	Less than 20	0
(years)	20, 30, 40 or more	1

0	0	
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◆ Prior Felony Convictions/Adjudications Against Person

Prisoner With Deadly Weapon

- Base Sentence on Section C is 12 months
- Concurrence:

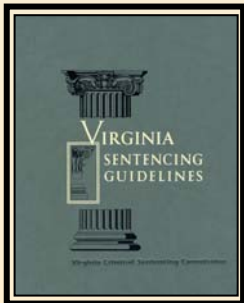


Recommendation 12

Add Prisoner – Make or Possess Deadly Weapon
§ 53.1-203(4)

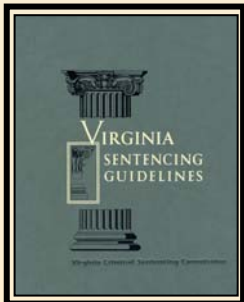
Recommendations

- Fraud
- Traffic
- Miscellaneous
- Weapons



Recommendation 13

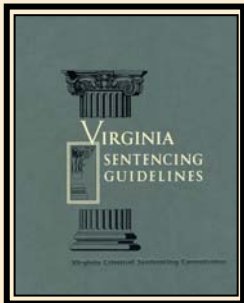
Weapons



Weapons

Recommendation 13:

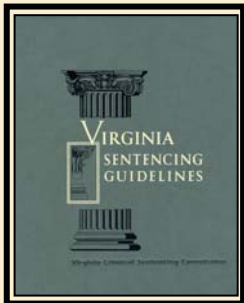
- Move the Weapons offenses from Miscellaneous worksheet to a new Weapons worksheet



Weapons

Background:

- With the addition of several offenses to Miscellaneous, the worksheet will be crowded
- A Weapons worksheet will start with 6 offenses



Weapons

◆ Section A

Offender Name: _____

◆ Primary Offense

- G. Maliciously discharge firearm, etc., in/at occupied building (1 count) 2
- H. Possession of sawed-off shotgun (1 count) 2
- I. Possession of Schedule I or II drug while in possession of firearm (1 count) 4
- J. Possession of firearm or concealed weapon by convicted felon
 1 count 3
 2 counts 4
- K. Maliciously shoot, throw missile at train, car, etc. (1 count) 1

Score

0	
---	--

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

- Years: 5 - 7 1
- 8 - 18 2
- 19 - 28 3
- 29 - 38 4
- 39 or more 5

0	
---	--

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

- Years: Less than 1 0
- 1 - 7 1
- 8 - 18 2
- 19 - 28 3
- 29 - 38 4
- 39 or more 5

0	
---	--

◆ Victim Injury

- Threatened, emotional or physical 1
- Serious physical 2

0	
---	--

◆ Mandatory Firearm Conviction for Current Event

If YES, add 6 →

0	
---	--

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

- Years: Less than 2 0
- 2 - 38 1
- 39 or more 2

0	
---	--

◆ Prior Incarcerations/Commitments

If YES, add 4 →

0	
---	--

Weapons

◆ Section B

Offender Name: _____

◆ Primary Offense _____

- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
- Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

↓

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

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

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

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Victim Injury _____

Primary offense other than child neglect/abuse _____

	Points
Threatened, emotional, or physical	2
Serious physical	3

Primary offense child neglect /abuse _____

	Points
Threatened, emotional, or physical	9
Serious physical	10

↓

--	--

◆ Legally Restrained at Time of Offense _____

If YES, add 1 →

0	
---	--

Weapons

◆ Section C

Offender Name: _____

◆ **Primary Offense** _____ **Prior Record Classification** Category I Category II Other

G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score
▼

0		
---	--	--

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

Maximum Penalty: 5,10 (years)	1
-------------------------------------	---

▼

--	--	--

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

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

▼

--	--	--

◆ **Firearm Used or Brandished** _____ If YES, add 2 →

0	0	
---	---	--

◆ **Victim Injury** _____

Threatened or emotional	2
Physical	4
Serious physical	5

▼

0	0	
---	---	--

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

Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

▼

0	0	
---	---	--

◆ **Prior Felony Convictions/Adjudications Against Person** _____

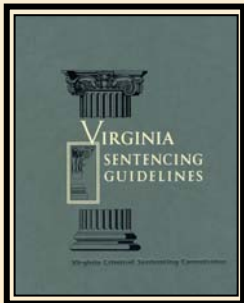
Number: 1	1
2	2
3	3
4	4

▼

0	0	
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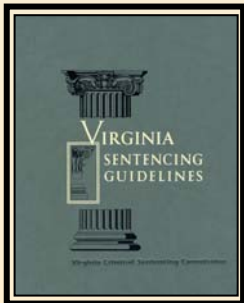
Recommendation 14

Weapons



Weapons

- Recommendation 14
 - Add Unlawfully Discharge Firearm or Missile in or at Occupied Building
 - § 18.2-279

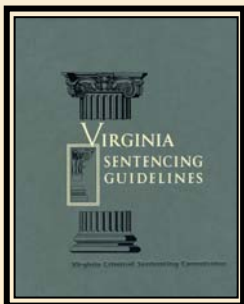


Discharge Firearm in Building

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	47%	
Up to 6 Months	31%	3 Months
More than 6 Months	22%	1 Year

* Number of Cases: 101 (5 years)



Weapons

◆ Section A

Offender Name: _____

◆ **Primary Offense** **Discharge Firearm in Building** **3**

G. Maliciously discharge firearm, etc., in/at occupied building (1 count)	2	Score ▼ <table border="1" style="width: 40px; height: 30px; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;"></td> </tr> </table>	0	
0				
H. Possession of sawed-off shotgun (1 count)	2			
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	4			
J. Possession of firearm or concealed weapon by convicted felon				
1 count	3			
2 counts	4			
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	1			

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

Years: 5 - 7	1	<table border="1" style="width: 40px; height: 30px; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;"></td> </tr> </table>	0	
0				
8 - 18	2			
19 - 28	3			
29 - 38	4			
39 or more	5			

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

Years: Less than 1	0	<table border="1" style="width: 40px; height: 30px; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;"></td> </tr> </table>	0	
0				
1 - 7	1			
8 - 18	2			
19 - 28	3			
29 - 38	4			
39 or more	5			

◆ **Victim Injury**

Threatened, emotional or physical	1	<table border="1" style="width: 40px; height: 30px; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;"></td> </tr> </table>	0	
0				
Serious physical	2			

◆ **Mandatory Firearm Conviction for Current Event** ————— If YES, add 6 →

0	
---	--

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

Years: Less than 2	0	<table border="1" style="width: 40px; height: 30px; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;"></td> </tr> </table>	0	
0				
2 - 38	1			
39 or more	2			

◆ **Prior Incarcerations/Commitments** ————— If YES, add 4 →

0	
---	--

Weapons

Section B

Offender Name: _____

◆ Primary Offense

Discharge Firearm in Building

8

- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
- Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

↓

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◆ Primary Offense Additional Counts

Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Additional Offenses

Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

	Points
Threatened, emotional, or physical	2
Serious physical	3

Primary offense child neglect /abuse

	Points
Threatened, emotional, or physical	9
Serious physical	10

↓

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◆ Legally Restrained at Time of Offense

If YES, add 1

↓

0	
---	--

Weapons

Section C

Offender Name: _____

◆ Primary Offense

Discharge Gun in Building

Cat I	Cat II	Other
32	16	8

G. Maliciously discharge firearm, etc. in/at occupied building

Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14

H. Possession of sawed-off shotgun (1 count) 36 18 9

I. Possession of Schedule I or II drug while in possession of firearm (1 count) 32 16 8

J. Possession of firearm or concealed weapon by convicted felon (1 count) 32 16 8

K. Maliciously shoot, throw missile at train, car, etc. (1 count) 32 16 8

Score

0		
---	--	--

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

Maximum Penalty: 5,10 1
(years)

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

Maximum Penalty: Less than 5 0
(years)
5, 10 1
20 2
30 3
40 or more 5

--	--	--

◆ Firearm Used or Brandished _____ If YES, add 2 →

0	0	
---	---	--

◆ Victim Injury _____

Threatened or emotional 2
Physical 4
Serious physical 5

0	0	
---	---	--

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

Maximum Penalty: Less than 20 0
(years) 20, 30, 40 or more 1

0	0	
---	---	--

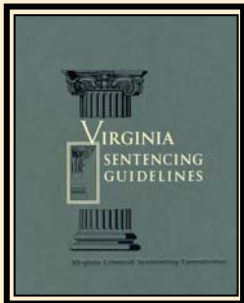
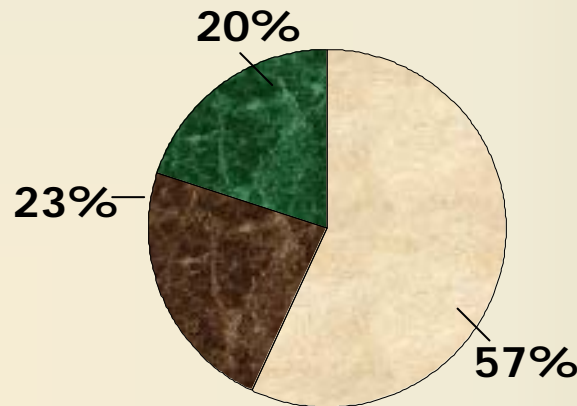
◆ Prior Felony Convictions/Adjudications Against Person _____

Number: 1 1
2 2
3 3
4 4

0	0	
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Discharge Firearm in Building

- Base Sentence on Section C is 8 months
- Concurrence:

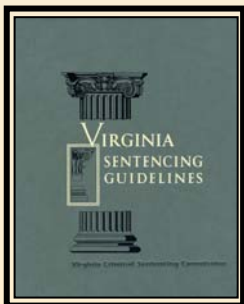


Recommendation 14

Add Unlawfully Discharge Firearm or
Missile in or at Occupied Building
§ 18.2-279

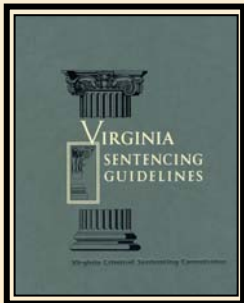
Recommendation 15

Weapons



Weapons

- Recommendation 15
 - Add Discharge Firearm From Motor Vehicle
 - § 18.2-286.1

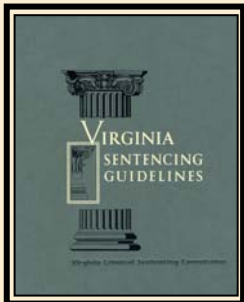


Discharge Firearm From Vehicle

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	27%	
Up to 6 Months	30%	3.5 Months
More than 6 Months	43%	2 Years

* Number of Cases: 40 (5 years)



Weapons

◆ Section A

Offender Name: _____

◆ Primary Offense **Discharge Firearm From Motor Vehicle 1**

G. Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H. Possession of sawed-off shotgun (1 count)	2
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J. Possession of firearm or concealed weapon by convicted felon	
1 count	3
2 counts	4
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

▼

0	
---	--

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

Years: 5 - 7	1
8 - 18	2
19 - 28	3
29 - 38	4
39 or more	5

0	
---	--

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

Years: Less than 1	0
1 - 7	1
8 - 18	2
19 - 28	3
29 - 38	4
39 or more	5

0	
---	--

◆ Victim Injury

Threatened, emotional or physical	1
Serious physical	2

0	
---	--

◆ Mandatory Firearm Conviction for Current Event If YES, add 6 →

0	
---	--

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

Years: Less than 2	0
2 - 38	1
39 or more	2

0	
---	--

◆ Prior Incarcerations/Commitments If YES, add 4 →

0	
---	--

Weapons

Section B

Offender Name: _____

◆ Primary Offense

Discharge Firearm From Motor Vehicle 8

- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
- Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

↓

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◆ Primary Offense Additional Counts

Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Additional Offenses

Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

	Points
Threatened, emotional, or physical	2
Serious physical	3

Primary offense child neglect /abuse

	Points
Threatened, emotional, or physical	9
Serious physical	10

↓

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◆ Legally Restrained at Time of Offense

If YES, add 1

↓

0	
---	--

Weapons

Section C

Offender Name: _____

	Cat I	Cat II	Other
Discharge Gun From Vehicle	48	24	12

◆ **Primary Offense**

G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)			
.....	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)			
.....	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)			
.....	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)			
.....	32	16	8

Score

0		
---	--	--

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

Maximum Penalty: 5,10 (years)	1
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◆ **Additional Offenses** Assign points to each additional offense (including counts) and total the points

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

--	--	--

◆ **Firearm Used or Brandished** _____ If YES, add 2 →

0	0	
---	---	--

◆ **Victim Injury** _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

0	0	
---	---	--

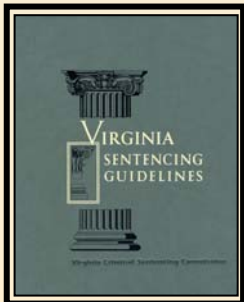
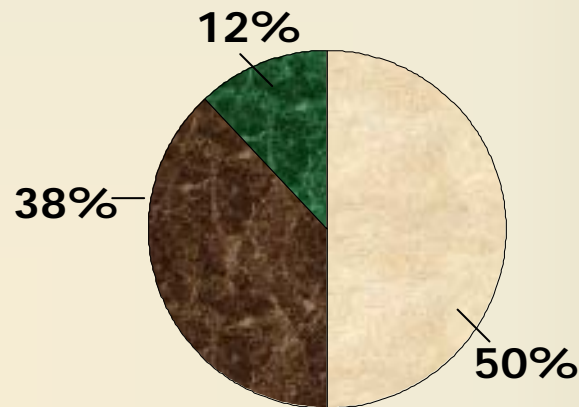
◆ **Prior Felony Convictions/Adjudications Against Person** _____

Number: 1	1
2	2
3	3
4	4

0	0	
---	---	--

Discharge Firearm From Vehicle

- Base Sentence on Section C is 12 months
- Concurrence:

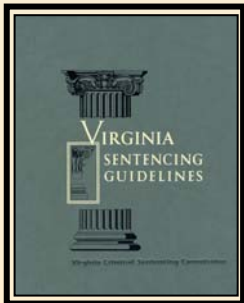


Recommendation 15

Add Discharge Firearm From Motor Vehicle
§ 18.2-286.1

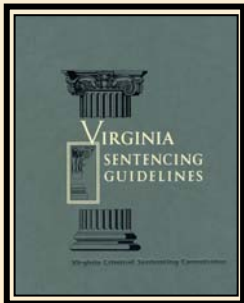
Recommendation 16

Weapons



Weapons

- Recommendation 16
 - Add Possess Firearm on School Property
 - § 18.2-308.1(B)

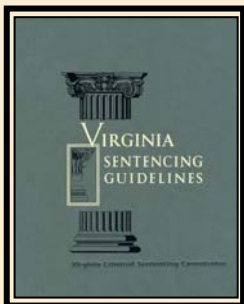


Possess Firearm at School

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	67%	
Up to 6 Months	25%	4 Months
More than 6 Months	8%	1.5 Years

* Number of Cases: 24 (5 years)



Weapons

◆ Section A

Offender Name: _____

◆ Primary Offense	Possess Firearm at School	1			
G	Maliciously discharge firearm, etc., in/at occupied building (1 count)	2	Score ▼ <table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					
H	Possession of sawed-off shotgun (1 count)	2			
I	Possession of Schedule I or II drug while in possession of firearm (1 count)	4			
J	Possession of firearm or concealed weapon by convicted felon 1 count	3			
	2 counts	4			
K	Maliciously shoot, throw missile at train, car, etc. (1 count)	1			
◆ Primary Offense Additional Counts	<u>Total</u> the maximum penalties for counts of the primary not scored above				
Years:	5 - 7	1	<table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					
	8 - 18	2			
	19 - 28	3			
	29 - 38	4			
	39 or more	5			
◆ Additional Offenses	<u>Total</u> the maximum penalties for additional offenses, including counts				
Years:	Less than 1	0	<table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					
	1 - 7	1			
	8 - 18	2			
	19 - 28	3			
	29 - 38	4			
	39 or more	5			
◆ Victim Injury	_____				
	Threatened, emotional or physical	1	<table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					
	Serious physical	2			
◆ Mandatory Firearm Conviction for Current Event	_____	If YES, add 6 →	<table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					
◆ Prior Convictions/Adjudications	<u>Total</u> the maximum penalties for the 5 most recent and serious prior record events				
Years:	Less than 2	0	<table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					
	2 - 38	1			
	39 or more	2			
◆ Prior Incarcerations/Commitments	_____	If YES, add 4 →	<table border="1"><tr><td>0</td><td></td></tr></table>	0	
0					

Weapons

Section B

Offender Name: _____

◆ Primary Offense

Possess Firearm at School

7

- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
- Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

↓

--	--

◆ Primary Offense Additional Counts

Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Additional Offenses

Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

	Points
Threatened, emotional, or physical	2
Serious physical	3

Primary offense child neglect /abuse

	Points
Threatened, emotional, or physical	9
Serious physical	10

↓

--	--

◆ Legally Restrained at Time of Offense

If YES, add 1

↓

0	
---	--

Weapons

Section C

Offender Name: _____

	Cat I	Cat II	Other
Possess Firearm at School	32	16	8

◆ **Primary Offense**

G. Maliciously discharge firearm, etc. in/at occupied building

Attempted or conspired: 1 count 32 16 8
 Completed: 1 count 56 28 14

H. Possession of sawed-off shotgun (1 count) 36 18 9

I. Possession of Schedule I or II drug while in possession of firearm (1 count) 32 16 8

J. Possession of firearm or concealed weapon by convicted felon (1 count) 32 16 8

K. Maliciously shoot, throw missile at train, car, etc. (1 count) 32 16 8

Score

0		
---	--	--

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

Maximum Penalty: 5,10 1
 (years)

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

Maximum Penalty: Less than 5 0
 (years) 5, 10 1
 20 2
 30 3
 40 or more 5

--	--	--

◆ **Firearm Used or Brandished** _____ If YES, add 2 →

0	0	
---	---	--

◆ **Victim Injury** _____

Threatened or emotional 2
 Physical 4
 Serious physical 5

0	0	
---	---	--

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

Maximum Penalty: Less than 20 0
 (years) 20, 30, 40 or more 1

0	0	
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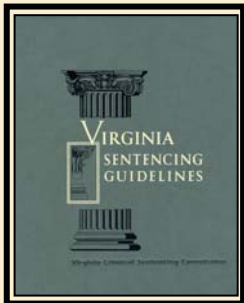
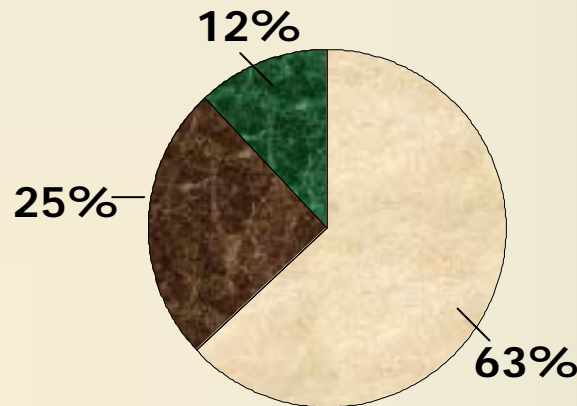
◆ **Prior Felony Convictions/Adjudications Against Person** _____

Number: 1 1
 2 2
 3 3
 4 4

0	0	
---	---	--

Possess Firearm at School

- Base Sentence on Section C is 8 months
- Concurrence:



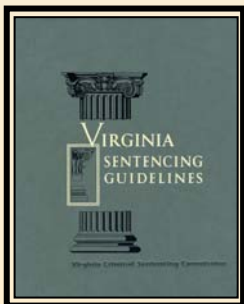
Recommendation 16

Add Possess Firearm on School Property

§ 18.2-308.1(B)

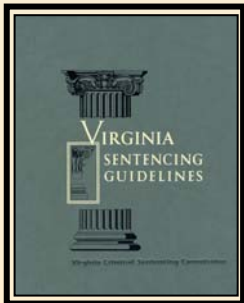
Recommendation 17

Weapons



Weapons

- Recommendation 17
 - Add False Statement on Criminal History Check Consent Form
 - § 18.2-308.2:2(K)

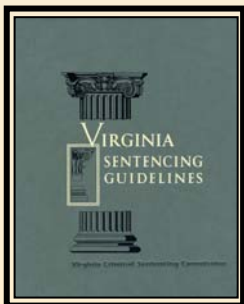


Criminal History Check

- Background Sentencing Information

	<i>Percent</i>	<i>Median Sentence</i>
No Incarceration	77%	
Up to 6 Months	14%	3 Months
More than 6 Months	9%	1 Year

* Number of Cases: 240 (5 years)



Weapons

◆ Section A

Offender Name: _____

◆ Primary Offense **False Statement - Criminal History Check 1**

G. Maliciously discharge firearm, etc., in/at occupied building (1 count)	2
H. Possession of sawed-off shotgun (1 count)	2
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	4
J. Possession of firearm or concealed weapon by convicted felon	
1 count	3
2 counts	4
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	1

Score

▼

0	
---	--

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

Years: 5 - 7	1
8 - 18	2
19 - 28	3
29 - 38	4
39 or more	5

0	
---	--

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

Years: Less than 1	0
1 - 7	1
8 - 18	2
19 - 28	3
29 - 38	4
39 or more	5

0	
---	--

◆ Victim Injury

Threatened, emotional or physical	1
Serious physical	2

0	
---	--

◆ Mandatory Firearm Conviction for Current Event If YES, add 6 →

0	
---	--

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

Years: Less than 2	0
2 - 38	1
39 or more	2

0	
---	--

◆ Prior Incarcerations/Commitments If YES, add 4 →

0	
---	--

Weapons

Section B

Offender Name: _____

◆ Primary Offense

False Statement - Criminal History Check 1

- H. Possession of sawed-off shotgun (1 count) 6
- I. Possession of concealed weapon - not firearm by convicted felon (1 count) 7
- Possession of firearm by convicted felon (1 count) 7
- J. Maliciously shoot, throw missile at train, car, etc. (1 count) 7

↓

--	--

◆ Primary Offense Additional Counts

Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Additional Offenses

Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
- 1 - 9 2
- 10 - 19 3
- 20 - 29 4
- 30 - 39 5
- 40 or more 6

↓

0	
---	--

◆ Victim Injury

Primary offense other than child neglect/abuse

	Points
Threatened, emotional, or physical	2
Serious physical	3

Primary offense child neglect /abuse

	Points
Threatened, emotional, or physical	9
Serious physical	10

↓

--	--

◆ Legally Restrained at Time of Offense

If YES, add 1

↓

0	
---	--

Weapons

Section C

Offender Name: _____

Criminal History Check

Cat I	Cat II	Other
32	16	8

Primary Offense

G. Maliciously discharge firearm, etc. in/at occupied building			
Attempted or conspired: 1 count	32	16	8
Completed: 1 count	56	28	14
H. Possession of sawed-off shotgun (1 count)	36	18	9
I. Possession of Schedule I or II drug while in possession of firearm (1 count)	32	16	8
J. Possession of firearm or concealed weapon by convicted felon (1 count)	32	16	8
K. Maliciously shoot, throw missile at train, car, etc. (1 count)	32	16	8

Score

0		
---	--	--

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

Maximum Penalty: 5,10 (years)	1
-------------------------------------	---

--	--	--

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

Maximum Penalty: Less than 5 (years)	0
5, 10	1
20	2
30	3
40 or more	5

--	--	--

Firearm Used or Brandished _____ If YES, add 2 →

0	0	
---	---	--

Victim Injury _____

Threatened or emotional	2
Physical	4
Serious physical	5

0	0	
---	---	--

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

Maximum Penalty: Less than 20 (years)	0
20, 30, 40 or more	1

0	0	
---	---	--

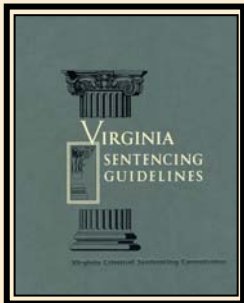
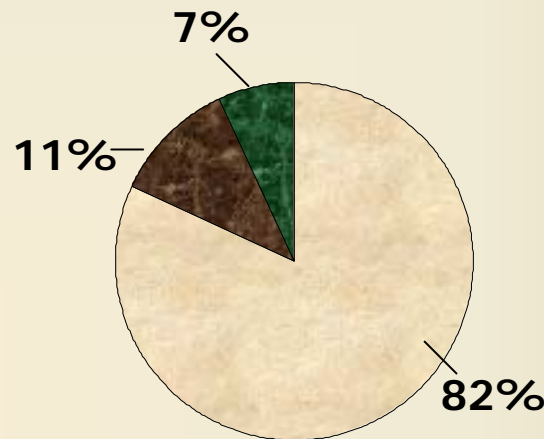
Prior Felony Convictions/Adjudications Against Person _____

Number: 1	1
2	2
3	3
4	4

0	0	
---	---	--

Criminal History Check

- Base Sentence on Section C is 8 months
- Concurrence:



Recommendation 17

Add False Statement on Criminal History Check Consent Form
§ 18.2-308.2:2(K)