

ARKANSAS SENTENCING COMMISSION



BIENNIAL REPORT

2001 - 2002

Submitted to:

**Governor Mike Huckabee
Arkansas General Assembly
Arkansas Judicial Council**

ARKANSAS SENTENCING COMMISSION

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MISSION STATEMENT - *The purpose of the Arkansas Sentencing Commission is to establish sentencing standards and to monitor and assess the impact of practices, policies and existing laws on the correctional resources of the State.*

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OVERVIEW OF THE SYSTEM

The criminal justice system is a unique blend of legislative, judicial and executive authority.

Legislature	Defines crimes Sets penalty ranges Funds correctional resources
Judiciary	Conducts jury and bench trials Accepts or rejects pleas Sentences to the correctional resources
Executive	Runs the programs and facilities that make up the correctional resources.

In addition, the criminal justice system is a unique blend of elected officials, agencies, organizations and individuals at every level of government.

Local, county and judicial district level

- Local law enforcement
- County sheriffs
- Circuit court judges
- Circuit court clerks
- Prosecuting attorneys and deputies
- Public defenders and deputies
- Private defense attorneys

State level

- Arkansas State Police
- Arkansas Crime Information Center
- Administrative Office of the Courts
- Prosecutor Coordinator's Office
- Board of Corrections
 - Department of Correction
 - Department of Community Correction
- Post Prison Transfer Board
- Arkansas Sentencing Commission
- Victim's rights groups

In the past, there has been limited coordination, cooperation and/or understanding between the various branches of the system. Problems in the system were approached on an ad hoc basis which created new problems in other parts of the system when the system as a whole was not considered.

Increase in crime was met by an increase in penalties which resulted in the rapid growth of the prisons in the 1980's. Early release mechanisms were developed to help alleviate prison overcrowding. These mechanisms blurred the line between sentence length and actual time served. As early release was administered by prison authorities, there was a lack of predictability of the meaning of a sentence by those imposing the sentences. Consequently, public confidence in and understanding of the system eroded.

In 1993, several changes were made to bring a coordinated rational approach to the system.

*** A sentencing policy for the state was adopted which provides for**

A balanced correctional system with

Proportional and equitable individual sentences
Appropriate use of a variety of sanctions and

A continuum of sanctions with

Development of intermediate sanctions
Use of the most secure and expensive beds for the most violent, the most habitual, and the most incorrigible offenders

*** Bifurcation of felony trials (guilt and penalty phases) with**

Complete evidence of prior criminal history admissible
Instructions to juries on parole, transfer and good time
Victim impact statements
Predictability of minimum time to serve

*** Creation of a Sentencing Commission to**

Develop standards
Monitor sentencing practices
Assess impact of laws, policies and practices
Make legislative recommendations
Strategic planning

*** Creation of the Department of Community Correction with**

Increased community supervision for probation and parole
Construction of community punishment facilities
Development of intermediate sanctions
Increased emphasis on restitution to victims

*** New post prison procedures with**

Good time no longer coming off the length of a sentence
Transfer eligibility determined at the time of sentence

The Arkansas Sentencing Commission which is made up of judges, prosecutors, defense counsel and representatives of the public strives to see the criminal justice system as a whole; to analyze criminal justice issues as they impact on the whole; and to act as a bridge between the various local and state elements of the whole.

The Commission is made up of courtroom practitioners. The courtroom is where sentencing occurs within a framework developed by the state. The Commission is uniquely qualified by its court room experience to develop sentencing standards, to analyze sentencing practices and to participate in strategic planning with correction officials in developing a comprehensive plan for use of correctional resources.

By involving the courtroom practitioners in the process of determining correctional impact, it places **emphasis on planning adequate correctional resources instead of simply reacting after the fact to overcrowded conditions** in the state institutions.

Legislative Recommendations of the Commission

It is the position of the Commission that many drug offenders now admitted to the Department of Correction would benefit from the therapeutic community treatment programs offered through the Department of Community Correction. The Commission is directed by code provision to recommend changes in the target offense group; i.e. those defendants who are eligible for admission to Regional Punishment Facilities. The Commission recommends that the target offense group be amended to include A and B felony controlled substances offenses.

- As of 12/6/2002 there were 14250 offenders listed in the population of the DOC data base. Of these, 9,906 (69.5%) are classified as regular admissions, 3,397 (23.8%) parole violators, and 947 (6.7%) as community correction admissions.
- 3,504 (25.3%) have a drug offense listed as the most serious offense.
- Class A drug offenses account for 25 (.7%) of the offenders with a drug offense listed as the most serious offense. 19 (76%) were admitted in 2001-2002. None were 70% transfer eligible. The sentences range from 60 months to 463 months with 120 months as both the mode and median sentence. All 25 were sentenced for manufacture, delivery, or possession of a controlled substance.
- Class B drug offenses account for 224 (6.4%) of the offenders with a drug offense listed as the most serious offenses. 202 (92.4%) were admitted in 2000-2002. 138 (61.6%) were sentenced under the 70% transfer eligibility act. The sentences range from 12 months to 960 months with a mode of 60 months and 120 months. The median sentence is 72 months. The listed offenses are Drug Paraphernalia, 153 (68.3%); manufacture, delivery, possession of controlled substance, 60 (26.8%); possession of anhydrous ammonia in unlawful container, 7 (3.1%); and failure to keep records of distribution of drugs, 4 (1.8%).

Furthermore, the Commission proposes that the amount of time a defendant may serve on a probation plus sentence in the Department of Community Correction be extended. Presently, a defendant may serve a maximum of 120 days. The Department of Community Correction has indicated that this time period is well short of the time required to adequately treat drug offenders. Therefore, the Commission recommends that Arkansas Code Annotated § 5-4-304(d) to be amended to state that a defendant may be sentenced to serve a maximum of 365 days in the Department of Community Correction.

ACTIVITIES OF THE COMMISSION

Impact Analyses

The Commission prepared numerous impact reports during the 2001 legislative session. During each Legislative Session, members of the General Assembly are called upon to enact new criminal justice legislation. Many of the proposed laws could have significant impact on the resources of the state's correctional system. The Arkansas Sentencing Commission provides impact reports to the legislators in order to assist them in making informed decisions regarding the use of those resources. The information they are provided includes the numbers of offenders who might be affected by the new laws as well as projected budget considerations.

Training

Members of the Sentencing Commission, its Executive Director and staff are available to present Administrative Training and Continuing Legal Education (CLE) classes on the sentencing guidelines for any interested criminal justice constituent, agency or group. Training has always been an important function of the Sentencing Commission. The Commission sponsors two monthly training sessions at its downtown offices. Continuing Legal Education seminars are presented free of charge for prosecutors, judges, public defenders and criminal defense attorneys. The seminars provide a total of five hours continuing legal education credits, including an ethics hour. Topics include sentencing law update, ethics in sentencing issues, procedures of the Post Prison Transfer Board and Department of Correction administrative procedures. The seminar also includes a tour of the Central Arkansas Regional Punishment Facility in Little Rock, which is under the supervision of the Department of Community Correction.

The Commission also sponsors administrative training sessions. Although also attended by attorneys, these training sessions are directed at court clerks, judge's case coordinators, and administrative personnel in prosecutors' and public defenders' offices. Topics include preparation of court forms such as judgment and commitment and judgment and disposition forms, departure reports and criminal history worksheets, an introduction to the Prosecutor Coordinator's case management system, and the Integrated Justice Information System Coordinating Council.

There are nine Commissioners on the Sentencing Commission who have always taken an active part in the training and education of their constituencies. These include three judges, two prosecutors, two public defenders and two representatives of the public. Training sessions are often scheduled at the request of the Commissioners who play an active role in the oversight of the training by setting agendas and providing course information. Commissioners and staff are also always available to assist with any questions on sentencing. Indeed the staff responds to daily questions from prosecutors, defense attorneys, public defenders and judges.

The high turnover rate in county offices makes yearly education a critical matter. The Commission staff performed analysis of compliance with filing requirements on departure reports that emphasized this problem. Calls and letters to clerks' offices have resulted in improvement in departure reports being sent to the Commission with judgments and commitments attached.

Publications

A Bench Book is published by the Commission to assist judges, prosecutors and the defense bar in determining sentences for offenders. More than a thousand Bench Books are published biennially and sent to the courts, criminal justice agencies, the circuit clerks, the Department of Corrections, the Department of Community Punishment and its probation and parole officers, every prosecutor, deputy prosecutor, and public defender and any other interested party in the state. The Commission continues to update these books, adding new and revised laws and other pertinent information. A copy of the Bench Book is available at the Sentencing Commission Office. However, another option has become available to the public.

The Arkansas Sentencing Commission invites you to visit its new web site at <http://www.state.ar.us/asc>. There, you will find links to the latest Bench Book, Offense Seriousness Rankings, Sentencing Grids and other helpful related material that you will be able to download for your convenience. In order to be of assistance to you and other visitors to the site, questions which are often asked of the Commission members and staff are listed with the answers under FAQ. In the past, the Commission has published and distributed the Bench Book as helpful resources which include newly enacted laws as well as other information useful to Arkansas' criminal justice constituents. Now, you will be able to access the latest sentencing information by simply visiting the Commission's new web site. The email addresses of the Commission staff are available on the web site if constituents need to contact them. However, because many constituents are not yet able to access the Internet, the Commission members and staff are available to assist them by telephone or fax.

In conjunction with its CLE and administrative training seminars, two manuals are published for distribution to participants.

Integrated Justice Information System Coordinating Council

The 1999 Arkansas General Assembly, through Act 848, created the Coordinating Council for an Integrated Justice Information System and Local Government Advisory Board. The purpose of the Act is to establish the process for integrating the information systems of all of the state's criminal justice agencies in order that crucial data can be electronically shared. Such a system will eliminate error-prone and redundant data, thus dramatically improving timely access to information. This timely reporting will go a long way towards increasing public safety. It is also a critical tool in preserving the safety of law enforcement, probation/parole personnel and correctional officers.

The Coordinating Council is composed of directors of criminal justice agencies and their representative as well as other agencies where criminal justice information is an important aspect of the agency's work. In addition, representatives from local governments throughout the state were selected to act as an advisory group to the Council. The Arkansas Sentencing Commission's Executive Director is a council member.

The Executive Director of the Commission worked with the Governor's office and other Council members to secure a grant for \$910,563 to further the integration efforts in our state. The grant establishes a pilot project for integration in Faulkner County which will provide a model for integration throughout the state.

Act 1272 of 2001 mandated the submission of reports on integrating the information systems of the pertinent agencies. These reports were submitted to the Governor, Chief Justice of the Arkansas Supreme Court and the Committee on Advanced Communications and Information Technology of the General Assembly. The Council and Local Group have met regularly to continue their work.

Disparity Commission

Act 1755 of 2001 established the Task Force to Study the Disparity in Sentencing for Persons Convicted of Non-violent Crimes. The chairman of the Senate Judiciary appointed the Executive Director of the Sentencing Commission to that task force.

The Disparity Commission met regularly July, 2002, through November, 2002. The Sentencing Commission provided data as requested by the Disparity Commission, and participated in public hearings involving disparity in sentencing for non-violent offenders. The Disparity Commission presented a final report in November, 2002.

National Association of Sentencing Commissions

Twenty-one states, including Washington, DC, and the Federal Sentencing Commission, are members of the National Association of Sentencing Commissions. This group exchanges information regularly concerning grants, sentencing practices and policies, and integration efforts throughout the nation. The Executive Director and Commission members are active participants in the activities and round table discussions of this organization.

Grants

In addition to the previously mentioned \$910,000 grant for the Faulkner County pilot project, the Commission has been instrumental in securing state participation in a technical assistance grant awarded by the Bureau of Justice Assistance to the Institute on Crime, Justice and Corrections at the George Washington University in Washington, DC. Arkansas' portion of this grant is \$50,000. The grant is to be used for research and technical assistance in curbing the recent and projected prison population growth observed in the state.

The first part of the research project will focus on collecting and analyzing data on those offenders who violate probation or parole due to technical reasons, i.e., drug use, alcohol use, failure to pay fine, missed reporting, etc. The second part of the project will focus on using this descriptive information to develop a technical violator risk assessment instrument that will assist parole and probation officers in the field in making decisions to revoke probation or parole.

Criminal Justice Constituency

The criminal justice constituency in Arkansas is comprised of those who are involved in the process of law enforcement, sentencing, corrections and those members of the public with special interest or involvement with criminal justice groups. Some of these people are touched only on a limited basis but all are interested, active and concerned about the criminal justice system. Below is a list of the criminal justice constituency with whom the Sentencing Commission interacts on a regular basis:

- Circuit/Chancery Judges
- Circuit Judges
- Prosecuting Attorneys
- Deputy Prosecuting Attorneys
- Public Defenders & Deputies
- Circuit Clerks & Deputies

In addition, the following are those with whom the Sentencing Commission works when called upon.

- Governor's Office
- Legislators
- Legislative Council and Staff
- Appellate Courts
- State Offices
- Victim/Witness Coordinators
- Law Enforcement
- Citizen's Groups
 - Victim's Groups
 - Neighborhood Organizations
- Private Defense Bar
- Private Citizens

DATA ANALYSIS

Crimes ≠ Cases ≠ Offenders

As simple as it may seem, no agency has been charged in the past with keeping count of the actual number of felony offenders going through the state criminal courts, how many are found guilty and how many of them receive each of the available sanctions.

Statistics kept for crime reporting purposes differ from statistics kept for court administration purposes that differ from statistics kept for correctional agency purposes. There is no uniformity of definition even for data elements which each may keep. There is no uniformity in either hardware used to store data or software used to analyze data. Data sources may differ or may overlap. Responsibility for data collection and training for data entry may be erratic. Quality control may be lacking. The Commission receives these data bases and does data entry only on departure reports.

Crime statistics are reported by law enforcement agencies to the Arkansas Crime Information Center (ACIC) pursuant to Uniform Crime Reporting (UCR) procedures published by the Federal Bureau of Investigation. The crimes defined in those procedures do not correspond exactly to the crimes defined in the Arkansas Criminal Code. It is the UCR categories that are reflected in the crime summaries published by ACIC. These crimes also reflect only those crime occurrences which were reported to police. Some types of crime are not always reported, but are known to occur through other sources of information.

Criminal cases are reported by circuit courts to the Administrative Office of the Courts (AOC). The AOC is also charged with keeping data relative to appellate cases, chancery cases, juvenile cases, probate cases, civil and municipal court cases. Circuit court criminal cases may include misdemeanor and violation appeals, post conviction relief petitions, probation revocation, capital cases and felony cases. Felony criminal cases may include single or multiple counts and single or multiple defendants. Offenders may have single or multiple cases filed against them in single or multiple judicial districts.

Offenders are counted by the agencies who are responsible for them, i.e. the Department of Correction (DOC) counts offenders committed to them and the Department of Community Correction (DCC) counts offenders placed with them for supervision. Since the implementation of the new offender tracking system, eOMIS, the Department of Community Correction is also tracking those offenders placed on suspended imposition of sentence or receiving just a fine. There is still some offenders sentenced prior to implementation of eOMIS who are not tracked in any data base. Tracking these offenders is important because this is a potential source of offenders who will be revoked and sentenced to the Department of Correction.

The Sentencing Commission receives databases from the Administrative Office of the Courts and the Department of Correction. The AOC database is case based and represents all cases going through the courts. The DOC database is offender based and represents only offenders committed to prison. The Department of Community Correction database is offender based and represents those offenders sentenced to

probation, have fines levied, and receive other intermediate sanctions. It also contains information on those offenders transferred to post prison supervision. Each has valuable information only available from that source. Each has some of the same information, but one is counting cases and the other is counting offenders for different time periods and the numbers do not correspond. Each has missing data and each has its limitations.

ADMINISTRATIVE OFFICE OF THE COURTS DATA ANALYSIS

Source of information

The Administrative Office of the Courts receives its information from the circuit court clerks by methods that are not always consistent. Methods range from sending paper copies to electronic transferences. The information received comes from forms filled out and filed in the eighty-five county court houses located in the seventy-five counties of the state.

Problems and solutions

Administrative Rule 8 adopted by the Arkansas Supreme Court (effective July 1, 1996) placed the responsibility for filling out forms with the prosecuting attorney's office. This Rule also required the use of a uniform form for all non-prison cases. The formats for these forms are supplied to the prosecutors by the Administrative Office of the Courts. The forms may also be downloaded from the AOC Internet site at http://courts.state.ar.us/aoc_forms.html.

Problems in using the AOC database for Commission purposes still exist as there is a lack of uniformity in entering certain data elements as they relate to sentences imposed and sentences suspended. Also, certain elements are missing in a substantial number of cases, i.e. criminal history. There is an inconsistency in reporting this data element. In some cases, missing data is reported as a zero. This practice leads to over-reporting of cases at this criminal history level. The criminal history score is one axis of the sentencing standards grid, therefore, accuracy of this element is vital for analysis of compliance to the standards. Educational efforts have improved data collection, but need to continue. The Commission staff is conducting training sessions to improve the accuracy in both the preparation of the judgment forms and the reporting of the data.

Another area of concern is the practice of using the inchoate statute codes instead of the statute code for the substantive offense. Since these codes are the same for each offense, it is impossible to determine what offense has been charged. For example, is 5-3-201 a charge of criminal attempt to commit capital murder, or is it criminal attempt to write a hot check? The answer to that question makes a big difference in where the case falls on the sentencing standards grid and for transfer eligibility. One solution to this problem would be to consistently use the statute number for the substantive offense and mark the inchoate code on the judgment and commitment/disposition form. Education efforts need to emphasize this point.

Value of the AOC system and the future

The greatest value of the AOC data is the totality of the picture that it presents. All offenders, all dispositions and all sanctions imposed are, or should be, present in that database. It is the only database that can determine the percent of convictions and dismissals and the only one where changes of charge to disposition can be determined. The challenge for the future lies in interfacing a case based system with an offender-based system. Knowing the number of actual offenders going through the system is crucial for planning purposes throughout the system.

The Administrative Office of the Courts is in the process of developing a court automation system which should greatly enhance the collection and accuracy of the data.

ARKANSAS DEPARTMENT OF CORRECTION DATA ANALYSIS

Source of information

The Arkansas Department of Correction (ADC) receives both the offender and the judgment and commitment form authorizing the ADC to incarcerate the individual. This is the same judgment and commitment form transmitted to the AOC, but different data elements may be captured by the ADC. The ADC also adds numerous data elements during its intake procedure and during the term of incarceration which relate to the offender and to institutional needs. Thus, date of offense has always been captured as the department must know an offender's release eligibility.

Problems and solutions

Different sentences may control an offender's release date (parole eligibility or transfer eligibility) and the date when he is no longer under any type of restraint. The controlling sentence of an offender with multiple counts and/or multiple cases is usually the longest sentence, but the calculations can become complicated when release eligibility laws are different; sentences are run consecutively; or sentences begin at different times and have different credits. For the purposes of this study, the controlling offense for sentences with multiple counts and offenses is considered to be the offense with the highest seriousness level.

Problems with using the ADC data base for Commission purposes derive from four sources: (1) lack of complete and accurate data received from the local jurisdictions; (2) internal department organization relating to responsibility for data entry and information services; (3) quality control; and (4) definition of data for transmission from a mainframe system to a personal computer. Efforts mentioned previously relating to forms and education continue to help with the data quality.

Value of the ADC system and the future

The greatest value of the Department of Correction data is the amount of information available on the most serious offenders in the system. The Department of Correction, along with the Department of Community Correction is in the process of implementing a web-based offender tracking system, eOMIS. Both departments are also a part of the Integrated Justice Exchange System. Progress in this area will greatly increase the availability of offender information.

The challenge for the future continues to lie in relating the offender- based system to the case based system. Understanding the complexities of offenders with multiple sentences is critical to this process.

DEPARTMENT OF COMMUNITY CORRECTION DATA

Source of information

The Department of Community Correction (DCC) receives offenders and information from different sources for different levels of supervision. Information on offenders sentenced to Regional Punishment Facilities on a judicial transfer basis is received into the ADC database with a judgment and commitment form. Information is transferred to DCC information systems files by the ADC. Information on offenders receiving probation or some other intermediate sanction is received directly from the courts via a judgment and disposition form. Information on those offenders being transferred to the DCC for post prison supervision comes from the ADC.

Problems and solutions

In the past, no one kept detailed information on those offenders sentenced to a term of suspended imposition of sentence SIS. Most of these offenders were not under any supervision, therefore, data was not collected on them. With the implementation of a new web-based offender tracking system, eOMIS, DCC is now beginning to track these offenders. Efforts are being made to enter information on those offenders sentenced to SIS prior to implementation of the system. The Department of Community Correction, along with the Arkansas Department of Correction, is in the process of combining their information systems into this one system. This will allow tracking information on each offender from the beginning of sentence to completion of post-prison supervision.

Value of DCC system and the future

Over sixty percent of all circuit cases that result in a conviction receive some type of sanction other than incarceration into the Department of Correction. These cases fall under the supervision of the Department of Community Correction. Probation and parole caseloads and the use of facilities greatly impact the correctional resources of the State of Arkansas. Both probation and parole caseloads are growing faster than prison beds. Anticipating and justifying personnel needs is critical to the budget process. For this reason, the Department of Community Correction database must be added to population projection models and impact studies on proposed legislation. The ability to analyze data on these offenders is vital from both a correctional resources needs perspective and from a therapeutic program development perspective. Information from the eOMIS system was not available for the Department of Community Correction at the time this report was prepared.

ADMINISTRATIVE OFFICE OF THE COURTS DATA

Gender of Offenders						
	1999		2000		2001	
Male	19,341	76.4%	17,904	75.0%	9,251	73.8%
Female	5,527	21.8%	5,447	22.8%	2,975	23.8%
Unknown	446	1.8%	509	2.2%	304	2.4%
Total	25,314	100.0%	23,830	100.0%	12,530	100.0%

Race of Offenders						
	1999		2000		2001	
Black	8,243	32.6%	7,287	30.5%	3,799	30.3%
White	15,759	62.3%	15,210	63.8%	7,962	63.5%
Other	527	2.0%	535	2.2%	295	2.4%
Unknown	785	3.1%	828	3.5%	474	3.8%
Total	25,314	100.0%	23,860	100.0%	12,530	100.0%

Type Trial						
	1999		2000		2001	
Non-Jury Trial	24,844	98.2%	23,411	98.1%	12,392	98.9%
Jury Trial	441	1.7%	299	1.3%	97	.8%
Unknown	29	.1%	150	.6%	41	.3%
Total	25,314	100.0%	23,860	100.0%	12,530	100.0%

All tables are based on data from the Administrative Office of the Courts. This data is case based and contains data from circuit court files from docket years 1999, 2000, and 2001. Total cases for docket year 1999 = 25,314, docket year 2000 = 23,860, and docket year 2001 = 12,530 disposed as of January 1, 2002.

ANALYSIS OF DATA BASES

Administrative Office of the Courts data

A0C docket years 1999, 2000, and 2001 were used in this report. These files contain data on disposed criminal cases filed from January 1, 1999 through December 31, 2001.

All cases were used for demographic purposes. Unless otherwise stated, only those cases which resulted in a felony conviction of the primary charge via a non-jury trial were used for further analysis. Standard practice is to list the most serious charge as the first charge on the criminal information. Therefore, this charge was considered to be the primary charge.

The following pages are a report of the results of those analyses. It is presented on a seriousness level basis. An explanation of each section of information is listed below:

Sentencing Standards Grid: This table shows the presumptive sentence for each seriousness level. It also lists the number of cases disposed for each of the three docket years as they relate to the criminal history scores. The cases are listed as aggravated, presumptive, and mitigated sentences. *Note: For a case to be placed in a cell of the grid, both the seriousness level and the criminal history score must be reported on the database.*

Level Offenses: This is a list of the most commonly occurring offenses for each seriousness level. Most of the listed offenses accounted for at least 10% of the disposed offenses for that seriousness level. For a complete listing of offenses for each seriousness level, please refer to the Seriousness Reference Table located in the appendix of this report.

Compliance Rate: This is the rate of compliance with the sentencing standards. A sentence is considered to be within the presumptive range if it is within 5% of the listed presumptive sentence (please see the above note in the Sentencing Standards Grid section). Any sentence which departs more than 5% from the presumptive must be accompanied by a Departure Report. Please see the appendix for a listing of departure reasons received for these cases.

Type of Sanction Received: Only the primary sanction was considered for this analysis. The hierarchy of sanctions was assumed to be incarceration, probation, suspended imposition of sentence, and other. Other represents any other sanction such as fines, community service, etc.

Term of Incarceration Imposed (In Months): The Sentencing Standards Guidelines do not list presumptive terms for Regional Punishment Facilities or Alternative Sanctions. For this reason, only those cases given a term of incarceration were considered for this analysis. Those cases receiving life, life without parole and death were excluded.

SERIOUSNESS LEVEL 10
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 360	PEN 384	PEN 432	PEN 528	PEN 660	PEN 780
AOC Docket Year 1999 (31 Cases)	13 2 9	1 0 3	1 0 1	0 0 0	0 0 1	0 0 0
AOC Docket Year 2000 (17 Cases)	3 1 9	0 0 1	0 0 0	0 0 1	0 1 1	0 0 0
AOC Docket Year 2001 (6 Cases)	2 0 0	0 0 1	1 1 0	0 0 1	0 0 0	0 0 0

Level 10 Offenses

Statute	Title	Felony Class	1999	2000	2001
5-10-102	Murder I	Y	100%	100%	100%
Compliance Rate					
	Mitigated Sentence		45.1%	70.6%	3.4%
	Presumptive Sentence		6.5%	11.8%	54.6%
	Aggravated Sentence		48.4%	17.6%	42.0%
Type Sanction Received					
	Incarceration		97.0%	81.8%	87.5%
	Probation				
	Suspended Imposition of Sentence		3.0%	4.5%	
	Incarceration/SIS Blend			13.6%	12.5%
	Other				

SERIOUSNESS LEVEL 9
Effective January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 240	PEN 312	PEN 396	PEN 480	PEN 600	PEN 720
AOC Docket Year 1999 (93 Cases)	13 18 49	2 0 1	0 1 4	0 2 0	0 0 0	0 0 3
AOC Docket Year 2000 (66 Cases)	13 5 44	0 0 2	0 0 0	0 0 2	0 0 0	0 0 0
AOC Docket Year 2001 (22 Cases)	2 0 12	0 0 3	1 0 2	1 0 1	0 0 0	0 0 0

Level 9 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 14 13	Rape	Y	93.2%	93.1%	96.9%

Compliance Rate

Mitigated sentence	61.3%	72.7%	81.8%
Presumptive Sentence	22.6%	7.6%	
Aggravated Sentence	16.1%	19.7%	18.2%

Type Sanction Received

Incarceration	73.5%	58.2%	56.3%
Probation	4.9%	14.3%	9.4%
Suspended Imposition of Sentence	1.0%	2.0%	6.3%
Incarceration/SIS Blend	20.6%	25.5%	28.1%
Other			

SERIOUSNESS LEVEL 8
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 120	PEN 168	PEN 264	PEN 360	PEN 432	PEN 600
AOC Docket Year 1999 (331 Cases)	89 76 103	5 2 18	0 1 18	1 0 9	0 0 2	0 7 0
AOC Docket Year 2000 (195 Cases)	51 45 56	5 0 11	1 1 11	0 0 6	0 0 3	0 5 0
AOC Docket Year 2001 (104 Cases)	14 14 24	6 3 13	4 0 17	0 0 4	0 0 1	0 4 0

Level 8 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 12 103	Aggravated Robbery	Y	40.01%	36.7%	41.8%
5 13 201	Battery I	B	37.1%	34.3%	21.2%
5 74 106	Simultaneous Poss. Drugs & Firearm	Y	14.0%	15.5%	16.5%

Compliance Rate

Mitigated Sentence	45.3%	44.6%	56.7%
Presumptive Sentence	26.0%	26.2%	20.2%
Aggravated Sentence	28.7%	29.2%	23.1%

Type Sanction Received

Incarceration	59.3%	56.7%	53.3%
Probation	14.7%	20.5%	14.4%
Suspended Imposition of Sentence	4.5%	4.9%	12.6%
Incarceration/SIS Blend	18.6%	17.2%	18.6%
Other	3.0%	.7%	1.2%

SERIOUSNESS LEVEL 7
Effective Date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 42	PEN 54	PEN 84	PEN 120	PEN 160	PEN 300
	AS	AS	AS			
AOC Docket Year 1999 (1,278 Cases)	514 496 0	85 36 0	34 35 0	15 11 15	7 1 4	0 1 24
AOC Docket Year 2000 (908 Cases)	333 358 0	66 41 0	44 23 0	11 8 9	3 1 2	0 0 9
AOC Docket Year 2001 (481 Cases)	104 170 0	54 34 0	32 30 0	7 12 14	2 3 6	0 0 13

Level 7 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 12 102	Robbery	B	18.5%	17.5%	14.6%
5 64 401	Manufacture of Controlled Substance	Y	78.9%	79.8%	82.5%

Compliance Rate

Mitigated Sentence	3.3%	2.2%	6.9%
Presumptive Sentence	45.4%	47.5%	51.8%
Aggravated Sentence	51.3%	50.3%	41.4%

Type Sanction Received

Incarceration	38.3%	31.6%	29.3%
Probation	27.0%	28.9%	34.3%
Suspended Imposition of Sentence	3.6%	5.6%	6.7%
Incarceration/SIS Blend	29.7%	32.3%	28.1%
Other	1.5%	1.5%	1.5%

SERIOUSNESS LEVEL 6
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 24 RPF* AS	PEN 42 RPF* AS	PEN 66 RPF* AS	PEN 108 RPF* AS	PEN 156	PEN 240
AOC Docket Year 1999 (1,016 Cases)	261 560 0	39 42 0	21 25 0	10 20 0	3 1 8	0 7 19
AOC Docket Year 2000 (630 Cases)	168 310 0	32 33 0	17 29 0	12 12 0	0 0 10	0 1 6
AOC Docket Year 2001 (345 Cases)	53 131 0	50 20 0	21 26 0	8 19 0	1 0 9	0 1 6

Level 6 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 39 201	Residential Burglary	B	75.2%	72.8%	60.7%
5 64 401	Poss. of Counterfeit Subst w/intent	B B	12.8%	13.2%	
5 64 403	Poss. Drug Paraphernalia	B	3.7%	7.3%	

Compliance Rate

Mitigated Sentence	2.7%	2.5%	4.3%
Presumptive Sentence	64.5%	61.2%	57.1%
Aggravated Sentence	32.8%	36.3%	38.6%

Type Sanction Received

Incarceration	26.5%	27.7%	24.4%
Probation	39.7%	33.7%	39.6%
Suspended Imposition of Sentence	10.2%	13.4%	9.4%
Incarceration/SIS Blend	18.8%	20.9%	24.2%
Other	4.8%	4.2%	2.5%

SERIOUSNESS LEVEL 5
Effective January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	PEN 36 RPF* AS	PEN 54 RPF* AS	PEN 72 RPF* AS	PEN 120 RPF* AS	PEN 180
AOC Docket Year 1999 (1,747 Cases)	624 812 0	60 73 0	31 48 0	11 23 0	2 27 0	0 4 32
AOC Docket Year 2000 (1,062 Cases)	390 452 0	35 49 0	35 35 0	8 25 0	0 16 0	2 1 14
AOC Docket Year 2001 (618 Cases)	137 190 0	52 64 0	39 41 0	19 24 0	3 22 0	3 5 19

Level 5 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 36 103	Theft of Property	B	28.6%	27.8%	29.5%
5 36 106	Theft by Receiving	B	12.4%	12.2%	12.3%
5 39 201	Commercial Burglary	C	21.5%	22.1%	24.3%
5 54 120	Failure to Appear	C	12.2%	13.0%	10.4%

Compliance Rate

Mitigated Sentence	1.8%	1.3%	3.1%
Presumptive Sentence	56.5%	54.4%	56.0%
Aggravated Sentence	41.7%	44.3%	40.9%

Type Sanction Received

Incarceration	24.3%	24.8%	21.4%
Probation	41.6%	38.8%	47.2%
Suspended Imposition of Sentence	9.6%	11.4%	8.0%
Incarceration/SIS Blend	19.9%	20.5%	20.1%
Other	4.5%	4.5%	3.3%

SERIOUSNESS LEVEL 4
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	PEN 18 RPF* AS	PEN 30 RPF* AS	PEN 54 RPF* AS	PEN 72 RPF* AS	PEN 96
AOC Docket Year 1999 (749 Cases)	252 378 0	35 28 0	12 16 0	4 9 0	0 7 0	1 1 6
AOC Docket Year 2000 (452 Cases)	148 235 0	24 15 0	6 9 0	3 5 0	0 1 0	1 0 5
AOC Docket Year 2001 (301 Cases)	48 128 0	29 35 0	15 20 0	8 5 0	2 6 0	2 0 3

Level 4 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 13 202	Battery II	D	47.6%	46.9%	32.1%
5 64 401	Manufacture/etc. Controlled Subst.	C	30.5%	27.8%	33.2%

Compliance Rate

Mitigated Sentence	.8%	1.1%	1.0%
Presumptive Sentence	58.6%	58.6%	64.5%
Aggravated Sentence	40.6%	40.3%	34.6%

Type Sanction Received

Incarceration	25.4%	21.7%	18.2%
Probation	52.6%	54.3%	53.5%
Suspended Imposition of Sentence	8.0%	9.7%	14.1%
Incarceration/SIS Blend	11.4%	11.5%	11.2%
Other	2.6%	2.8%	3.1%

SERIOUSNESS LEVEL 3
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	RPF* AS	PEN 18 RPF* AS	PEN 30 RPF* AS	PEN 42 RPF* AS	PEN 60 RPF* AS
AOC Docket Year 1999 (7,874 Cases)	2,028 4,661 0	331 149 0	208 151 0	87 69 0	27 38 0	41 84 0
AOC Docket Year 2000 (4,632 Cases)	1,247 2,558 0	300 83 0	184 71 0	62 35 0	11 20 0	20 41 0
AOC Docket Year 2001 (2,196 Cases)	338 906 0	277 134 0	185 79 0	102 37 0	34 27 0	22 55 0

Level 3 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 37 201	Forgery II	C	14.0%	14.4%	14.9%
5 37 302	Hot Checks	C	13.9%	14.4%	16.2%
5 64 401.9	Counterfeit Substance w/Intent	C	21.9%	22.4%	20.8%

Compliance Rate

Mitigated Sentence					
Presumptive Sentence			65.4%	60.6%	56.3%
Aggravated Sentence			34.6%	39.4%	43.7%

Type Sanction Received

Incarceration			16.6%	15.9%	15.8%
Probation			51.1%	51.3%	54.1%
Suspended Imposition of Sentence			13.0%	12.9%	11.4%
Incarceration/SIS Blend			14.2%	14.9%	15.3%
Other			5.1%	5.0%	3.3%

SERIOUSNESS LEVEL 2
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RPF* AS	RPF* AS	RPF* AS	PEN 18 RPF* AS	PEN 24 RPF* AS	PEN 42 RPF* AS
AOC Docket Year 1999 (891 Cases)	254 441 0	50 42 0	44 13 0	16 8 0	7 3 0	7 6 0
AOC Docket Year 2000 (611 Cases)	177 280 0	43 32 0	35 11 0	9 10 0	5 3 0	2 4 0
AOC Docket Year 2001 (317 Cases)	45 91 0	50 24 0	41 10 0	23 10 0	7 4 0	5 7 0

Level 2 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 13 301	Terroristic Threatening	D	18.3%	17.5%	17.9%
5 64 401.8	Counterfeit Substance w/Intent	D	17.6%	18.6%	22.5%
5 73 103	Possession of Firearm by Certain Person	D	31.5%	26.7%	21.2%

Compliance Rate

Mitigated Sentence			
Presumptive Sentence		57.6%	55.6%
Aggravated Sentence		42.4%	44.4%

Type Sanction Received

Incarceration		23.5%	21.6%	24.1%
Probation		44.2%	46.0%	48.6%
Suspended Imposition of Sentence		12.5%	13.8%	13.1%
Incarceration/SIS Blend		13.9%	12.7%	11.9%
Other		6.0%	5.8%	2.4%

SERIOUSNESS LEVEL 1
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	AS	AS	AS	PEN 9 RPF* AS	PEN 24 RPF* AS	PEN 30 RPF* AS
AOC Docket Year 1999 (16 Cases)	1 15 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
AOC Docket Year 2000 (16 Cases)	1 13 0	0 0 0	1 0 0	1 0 0	0 0 0	0 0 0
AOC Docket Year 2001 (15 Cases)	0 13 0	0 1 0	0 0 0	0 0 0	0 0 0	0 1 0

Level 1 Offenses

Statute	Title	Felony Class	1999	2000	2001
5 37 203	Defrauding Secured Creditors	D	36.8%	17.4%	2.9%
5 41 103	Computer Fraud	D	10.5%	21.7%	2.9%
5 60 101	Abuse of Corpse	U	26.3%	17.4%	73.5%
5 66 103	Keeping a Gambling House	D	10.5%	4.3%	2.9%
27 53 103	Duty to Give Info or Render Aide				

Compliance Rate

Mitigated Sentence					
Presumptive Sentence			93.8%	81.2%	100%
Aggravated Sentence			6.2%	18.8%	

Type Sanction Received

Incarceration				5.0%	6.5%
Probation			76.5%	65.0%	51.6%
Suspended Imposition of Sentence			17.6%	10.0%	41.9%
Incarceration/SIS Blend				5.0%	
Other			5.9%	5.0%	

Dispositional Changes of Offenses Charged

The following charts were based on data from the Administrative Office of the Courts circuit court files for cases filed during 1999, 2000, and 2001. General practice is to list the primary charge first on both the criminal information and the judgment and commitment form. This assumption was followed during this analysis. Subsequent charges on a case were not analyzed.

Cases were then selected by the offense chapter and separated into jury and non-jury trial types. Cross-tabulations were run on specific primary charges by primary dispositions. This produced a grid with the intersecting points containing the number of cases representing the listed charge and disposition. A separate tabulation was run for each primary charge chapter containing at least 10% of the total cases. Only those charges having ten (10) or more cases in a non-jury trial type and a reduction rate of 10% or greater within a chapter were considered to be significant. These same selections were run on those cases with a jury trial type. The rows of each table represent the primary charged offense while the columns show the disposition offense.

Tables one through six represent charges and dispositions of homicide cases. It should be noted that capital murder continues to be disposed as capital murder at a higher rate in jury trials than in non-jury trials, 13 out of a total of 19 cases (68.4%) as compared to 14 out of a total of 36 cases (38.9%) in 1999, and 10 out of a total of 17 cases (58.5%) as compared to 20 out of a total of 38 cases (52.6%) in 2000. Due to the lag time in filing to disposition, 2001 data is incomplete. "Other" dispositions represent those cases with disposed offenses other than the major category, i.e. homicide statutes to aggravated robbery, battery, etc.

Homicide Offenses

	Cap. Murder	Mur. I	Mur. II	Mansl.	Neg. Homc	Other
Capital Murder	14	17	1	1		3
Murder I		24	11	1	1	9
Murder II			4	5		
Manslaughter				15	2	
Negligent Homicide					13	

Table 1 Non-Jury Trials, Docket Year 1999

Homicide Offenses, Continued

	Cap. Murder	Mur. I	Mur. II	Mansl.	Neg. Homc.	Other
Capital Murder	13	5		1		
Murder I		17	2	2	1	
Murder II			8	1	1	
Manslaughter				2	2	1
Negligent Homicide					1	

Table 2 Jury Trials, Docket Year 1999

	Cap. Murder	Mur. I	Mur. II	Mansl.	Neg. Homc.	Other
Capital Murder	20	6	7			5
Murder I	1	24	5	4	1	4
Murder II			5	7	1	
Manslaughter				12	1	
Negligent Homicide					17	

Table 3 Non-Jury Trials, Docket Year 2000

	Cap. Murder	Mur. I	Mur. II	Mansl.	Neg. Homc.	Other
Capital Murder	10	3	4			
Murder I		9	2		1	1
Murder II			6	1		
Manslaughter				6		
Negligent Homicide					1	

Table 4 Jury Trials, Docket Year 2000

	Cap. Murder	Mur. I	Mur. II	Mansl.	Neg. Homc.	Other
Capital Murder	4		1			1
Murder I		11	1			2
Murder II			1	1		
Manslaughter				3		
Negligent Homicide					4	

Table 5 Non-Jury Trials, Docket Year 2001

	Cap. Murder	Mur. I	Mur. II	Mansl.	Neg. Homc.	Other
Capital Murder	3					1
Murder I		2				
Murder II			1	1		
Manslaughter					1	

Table 6 Jury Trials, Docket Year 2001

Tables seven through twelve represent charges and dispositions of sexual offenses. Offenses listed in the sexual offender registration statute, '12-12-903, have been used for this analysis. Rape has the only significant charges/disposition change rate of 34.2% in 1999, 29.5% in 2000 and 32.3% in 2001 to sexual abuse I for non-jury trials. Offenses listed as "other" include battery, harassment, contributing to the delinquency of a minor, etc.

Sexual Offenses

	Rape	Carnal Abuse I	Carnal Abuse II	Carnal Abuse III	Sex. Abuse I	Vio. Minor I	Vio. Minor II	Know. Exp HIV	Incest	Other
Rape	100	1	4	10	65	2				8
Carnal Abuse I		6			2					1
Carnal Abuse II			7							1
Carnal Abuse III				53						6
Sex. Abuse I				1	142					12
Vio. Minor I						7				2
Vio. Minor II							2			4
Know. Exp. HIV								7		
Incest									9	2

Table 7 Non-Jury Trials, Docket Year 1999

	Rape	Carnal Abuse III	Sex. Abuse I	Incest	Transp/Distr. Material
Rape	24		1		
Carnal Abuse III		1			
Sex. Abuse I			7		
Incest				1	
Trans/Distr. Material					1

Table 8 Jury Trials, Docket Year 1999

Sexual Offenses

	Rape	Carnal Abuse I	Carnal Abuse II	Carnal Abuse III	Sex. Abuse I	Vio. Minor I	Vio. Minor II	Know. Exp HIV	Incest	Other
Rape	97	7	2	13	56				3	12
Carnal Abuse I	1	6			1					1
Carnal Abuse II			1							1
Carnal Abuse III				61						8
Sex. Abuse I					120					17
Vio. Minor I						16				1
Vio. Minor II							10			1
Know. Exp. HIV								4		
Incest									9	

Table 9 Non-Jury Trials, Docket Year 2000

	Rape	Carnal Abuse I	Sexual Abuse I	Vio Minor I	Indecent Exp <12	Incest	Other
Rape	24	1	1				1
Sex. Abuse I			3				1
Vio. Minor I				1			
Indecent Exposure to <12					1		
Incest						1	

Table 10 Jury Trials, Docket Year 2000

Sexual Offenses

	Rape	Carnal Abuse I	Carnal Abuse II	Carnal Abuse III	Sex. Abuse I	Vio. Minor I	Vio. Minor II	Know. Exp HIV	Incest	Other
Rape	32	2	2	5	21	1				2
Carnal Abuse I		1								
Carnal Abuse II			1	2						
Carnal Abuse III				31						4
Sex. Abuse I					51		2			8
Vio. Minor I						5				
Vio. Minor II							3			1
Know. Exp. HIV										
Incest				1					3	

Table 11 Non-Jury Trials, Docket Year 2001

	Rape	Sexual Abuse I	Incest
Rape	6	1	
Incest			4

Table 12 Jury Trials, Docket Year 2001

Act 1738 of 2001 redefined the criminal code chapter on sexual offenses. This act repealed several statutes such as carnal abuse and sexual abuse. It created the offenses of sexual assault in the first, second, and third degree. Due to the lag time between filing and disposition of charges, only three cases of the new sexual assault offense were disposed as of January 1, 2002. These were non-jury trial types. There was one case each of sexual assault I and II. Neither case has a change from charge to disposition offense. There was one case which was charged as carnal abuse III and disposed as sexual assault IV.

Target Group Offenses Incarcerated in Arkansas Department of Corrections as of 12/06/2002

The following table contains the number of offenders who were incarcerated in the Arkansas Department of Correction as of 12/6/2002 who had a target group offense as their most serious offense and whose sentence length would have made them eligible for transfer to post-prison supervision in the same length of time if they had been sentenced to a Department of Community Correction facility. It should be noted that these numbers possibly include some offenders whose prior convictions would have made them ineligible for DCC.

Table 13
Target Group Offenders

Offense Title	ADC Offense Code	Number of Offenders
Non-Support	0705	14
Theft of Property	1001	249
Theft of Services	1002	1
Theft by Receiving	1004	98
Theft of Leased Property	1005	2
Forgery	1101	190
Fraudulent Use of Credit Card	1104	18
Hot Check Violation	1113	98
Financial Identity Fraud	1118	6
Criminal Mischief I	1205	19
Criminal Mischief II	1207	2
Breaking and Entering	1302	123
Residential Burglary	1303	67
Commercial Burglary	1304	107
Failure to Appear	1712	30
Filing False Report	1715	1
Failure to Keep Records	2201	2
Advertise Drug Paraphernalia	2202	136
Manuf/Del Controlled Substance	2203	628
Use of Communication Facility	2205	1
Possession of Drug Precursor	2212	1
Possession with Intent	2214	14
Possession of Ephedrine	2215	9
DWI IV	2301	108
Totals		1364

Jury and Non-Jury Trials

The Arkansas Sentencing Commission receives data from the Administrative Office of the Courts (AOC) in January and July of each year. This data is based on cases filed and disposed in circuit courts throughout the state during the last year. Data received in January, 2002, will be used for this report. The following information is based on data collected by the Administrative Office of the Courts on cases filed in circuit courts for the year 1999. Due to the lag time in disposing of cases in circuit court, this is the most complete year available at this time.

There were 25,312 cases filed in 1999 which were disposed as of January, 2002. Of these cases, 24,844 were disposed by non-jury trials, 441 were disposed by jury trials and the type of trial was not reported in 27 cases. The following tables show the breakdown by race and gender.

Race		Gender	
Black	32.6%	Female	21.8%
White	62.3%	Male	76.4%
Other	2.0%	Unknown	1.8%
Unknown	3.1%		

Of these, 19,468 cases resulted in a conviction in at least one count. Non-jury trials accounted for 19,117 of these cases; jury trials accounted for 338 (1.7%); and the type of trial was not reported in 13 cases.

The following tables show a breakdown of race, gender, and types of offenses disposed with at least one count resulting in a conviction. Please note: percentages are based on the trial category and total race or gender.

Race			
Race	Total	Non Jury	Jury
Black	32.2%	32%	45%
White	63.4%	63.6%	52%
Other	2%	2%	.6%
Unknown	2.4%	2.4%	2.4%

Table 14

Gender			
Gender	Total	Non Jury	Jury
Female	21.5%	21.7%	10.9%
Male	77.2%	77%	88.5%
Unknown	1.3%	1.3%	.6%

Table 15

It is general practice to list the most serious offense as the first offense on the criminal information. For this reason, the first disposed offense of a case has been used for the following table.

Offense Category	Total	Non-Jury	Jury
Homicide	1%	.7%	16.9%
Sex Offenses	2.5%	2.4%	11.9%
Robbery	2.5%	2.3%	13.3%
Assault	6.8%	6.6%	12.5%
Theft	12%	12.1%	2.7%
Fraud	16%	16.4%	1%
Burglary	11%	10.7%	3%
Drugs	33.2%	33.3%	24.9%
Other	15%	15.5%	13.8%
Total	100%	100%	100%

Table 16

The following table shows the breakdown of the type of attorney representation by race for the non-jury trials. This table includes those cases where the type trial is unknown.

Type of Attorney	Black	Other	White	Unknown	Total
Appointed	39.7%	1.5%	58.8%		100.0%
Public Defender	27.0%	3.7%	64.6%	4.7%	100.0%
Retained	12.7%	3.5%	80.0%	3.8%	100.0%
Unknown	34.4%	1.7%	62.0%	1.9%	100.0%

Table 17

Department of Correction data

I. Introduction

The following section of our report was prepared by Wendy Naro, Senior Research Scientist for The Institute on Crime, Justice and Corrections at the George Washington University, through a joint agency agreement between the Arkansas Department of Correction, the Sentencing Commission, and the Department of Community Correction. The forecast will serve as a baseline population mode and will be used in impact assessments for proposed legislations during the upcoming legislative session.

For the current forecast, Institute analysts have reviewed current inmate population trends and analyzed computer extract files provided by the Department of Correction. This briefing document contains a summary of projections of male and female inmates through the year 2012, a summary of recent offender trends, and an explanation of the primary assumptions on which the projections are based. All figures are contained in Appendix A of this document.

II. THE SIMULATION MODEL AND SENTENCING POLICIES

The forecast of the correctional population in Arkansas was completed using Wizard 2000 projection software. This computerized simulation model mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections. Wizard 2000 is an enhanced version of Prophet Simulation software.

To the extent possible given the availability of data, the current simulation model recreates the flow of inmates incarcerated under Arkansas's sentencing policies. The model identifies and separates offenders into groups based on a various combinations of severity group, admission type and gender. The goal is to group offenders with like sentence lengths and with similar limitations on eligibility for parole or goodtime under Arkansas law.

Sentencing Policy

In the simulation model, we take particular care to characterize accurately the elements of the Arkansas Sentencing Standards, enacted on January 1, 1994, and of Acts 1326, 1135 and 1268.

On January 1, 1994, Arkansas put into effect a sentencing grid that uses a combination of the severity of the instant offense and the offender's criminal history to arrive at a presumptive sentence. (A decision may be made to depart from the presumptive sentence upwards or downwards as long as the decision is justified in writing.) Felony crimes in Arkansas are categorized into ten levels of seriousness with 10 as the most serious. The offender's criminal history score is determined through allocation of points for any prior convictions/adjudications.

Offenders convicted of a crime in lower level severity groups 1 through 6 are eligible for supervised release after serving one-third of their sentence minus goodtime. Offenders convicted of a crime in severity groups 7 through 10 are eligible after serving one-half of their sentence minus goodtime. The exceptions to these rules are directed at offenders convicted of the particular crimes enumerated in Acts 1326, 1135 and 1268 who must serve 70 percent of their sentences and are not eligible to earn goodtime. Act 1326 took effect on July 1, 1995 and includes the following crimes: Murder I, Rape, Kidnapping, Aggravated Robbery, and Causing a Catastrophe. Act 1135 took effect on August 1, 1997 and includes the crime of manufacturing Methamphetamine. Finally, Act 1268 was passed and took effect on July 30, 1999; the act involves the use of paraphernalia to manufacture Methamphetamine.

In the simulation model, offenders convicted under Acts 1326, 1135 and 1268 are placed in their own Identification Group (ID Group), allowing the particular limitations on their release eligibility to be accurately modeled. Offenders sentenced to serve life in prison (defined as those with sentences over 340 years) also have their own ID Group. The remaining offenders are placed in ID Groups based on three factors: 1) gender, 2) admission type: new commitment or parole violator, and 3) severity group. Some severity groups are combined together, but we have made sure to keep those in severity groups 1 through 6 separate from those in severity groups 7 through 10 due to the difference in the proportion of time they must serve before transfer eligibility.

III. TRENDS IN POPULATION AND CRIME IN ARKANSAS

Significant Finding: The Arkansas population increased moderately during the 1990's, from just over 2.35 million in 1990 to nearly 2.68 million in 2000. From 1990 to 1999, the population grew an average of 0.9 percent per year, followed by a much sharper increase from 1999 to 2000 when the population increased by 5.0 percent. From 2000 to 2001, the population growth reverted to its earlier trend as the population increased only 0.5 percent.

Significant Finding: The state's population is projected to grow by 7.9 percent from 2000 to 2010, a similar pace to that observed from 1990 to 1999 when the population increased by 8.4 percent.

Significant Finding: Levels of serious crime in Arkansas remained fairly steady from 1990 to 1997 followed by a distinct decline from 1997 to 1999 and an increase from 1999 to 2000.

Population

Throughout the 1990s, Arkansas' population grew moderately, increasing by 13.7 percent from 1990 to 2000 to reach nearly 2.68 million. From 1990 to 1999, the state's population grew at a slow and steady pace – an average annual percent change of +0.9

percent. Then, in a departure from that trend, from 1999 to 2000, the population grew by 5.0 percent. That level of growth was not sustained from 2000 to 2001 as Arkansas posted population growth of only 0.5 percent.

The US Census projects the state population to experience a 7.9 percent growth from 2000 to 2010. This is similar to the growth in the state's population observed from 1990 to 1999: 8.4 percent. (See Figure 1.)

Reported Crime and Arrests

Observing historical levels of crime can provide some guidance in projecting future admissions to prison. The level of the most serious violent and property crimes (defined by the FBI's Uniform Crime Reports, UCR Part I Crime category) in Arkansas showed very little growth or change from 1990 to 1997 (aside from the brief up-tick in 1991). The average annual percent growth in UCR Part I crime was 0.6 percent from 1990 to 1997. From 1997 to 1999, UCR Part I crimes fell sharply, followed by an increase from 1999 to 2000. However, the 2000 UCR reported crime figure remained below those observed from 1990 to 1997. (See Figure 2.)

Arkansas arrest data illustrate a gradual upward trend from 1995 to 1999 and a slight decline from 1999 to 2000. Overall, the average annual percent growth in arrests from 1995 to 2000 was 2.2 percent. Adult arrests have displayed an average annual percent increase of 2.6 percent from 1995 to 2000 compared to a decrease of 1.8 percent in juvenile arrests. (See Figure 3a.)

Finally, in line with the sharp decline in UCR Part I reported crime from 1997 to 1999, the number of arrests of persons for Part I crimes also dropped from 1997 to 1999 after showing slight increases from 1995 to 1997. Unlike the increase in Part I reported crime from 1999 to 2000, Part I arrests continued their downward trend during that period. Overall from 1995 to 2000, arrests for Part I crimes decreased at an average annual rate of 1.6 percent. In contrast, arrests for drug crimes increased at an average annual rate of 5.6 percent. (See Figure 3b.)

Putting Population and Crime Together: Crime Rates

As the state population grew only slightly throughout the 1990s, Arkansas's crime rates generally mirror the changes in absolute numbers of Part I crimes. From 1990 to 1997, the UCR Part I crime rate in Arkansas rose at an average annual rate of 0.6 percent as both Part I crimes and the population grew slightly. From 1997 to 1999, the UCR Part I crime rate fell at an average annual rate of 6.9 percent as the population continued its slow growth and the number of crimes reported fell. Finally, from 1999 to 2000, both the population and UCR Part I crime level rose. In 2000, the UCR Part I crime rate was 4115.3 per 100,000 persons. (See Figure 2.)

Comparison of Arkansas and the United States

In the discussion above, the population and crime data are observed in terms of changes over time within Arkansas. In Table 18 below, we present Arkansas' population and crime data compared to the national levels and trends. As compared to the nation, Arkansas has very similar population trends and remarkably similar Part I crime rates per 100,000 persons in 2000. Although from 1999 to 2000, Arkansas posted an increase in its serious crime rate of 6.3 percent while the United States as a whole exhibited a decrease of 3.3 percent.

In terms of state prison populations (using the most recent national data available: 2000), Arkansas showed smaller growth as compared to the nation as a whole throughout the 1990s (61.4 percent compared to 72.1 percent, nationally). The one-year change in state prison population from 1999 to 2000 was also smaller in Arkansas (0.2 percent) than across the United States (1.5 percent). Arkansas's incarceration rate, 442.7 state prisoners per 100,000 state residents, slightly exceeded the national average of 417.7.

TABLE 18
COMPARISON BETWEEN UNITED STATES AND ARKANSAS
ON KEY POPULATION, CRIME AND CORRECTIONS INDICATORS

	United States	Arkansas
POPULATION¹		
Total Population (7/1/01)	284,796,887	2,692,090
Change in Population		
1-year change (7/1/00 – 7/1/01)	0.9%	0.5%
10-year change (7/1/91 – 7/1/01)	12.9%	13.6%
CRIME RATE² (Rate per 100,000 inhabitants)		
UCR Part I Reported Crime Rates (2000)		
Total	4,124.0	4,115.3
Violent	506.1	445.3
Property	3,617.9	3,670.0
Change in Total Reported Crime Rate		
1-year change (1999-2000)	-3.3%	6.3%
10-year change (1990-2000)	-28.9%	-15.4%
PRISON POPULATION³		
Total Inmates (State Prisons Only) (12/31/00)	1,178,433	11,856
1-year change (1999-2000)	1.5%	0.2%
10-year change (1990-2000)	72.1%	61.4%
Average annual change (1990-2000)	5.6%	5.0%
Incarceration Rate (Rate per 100,000 inhabitants) ⁴	417.7	442.7

1 U.S. Census Bureau, Population Division. Population estimates for July 1, 2001 (released 12/28/01).

2 Uniform Crime Reports, Crime in the United States, Federal Bureau of Investigation.

3 Prisoners in 2000, Bureau of Justice Statistics Bulletin (August 2001). Arkansas data provided by the Arkansas Department of Correction.

4 Rates generated by using U.S. Census Bureau population estimates for July 1, 2000.

IV. HISTORICAL INMATE POPULATION TRENDS

A. Trends in Admissions

Significant Finding: *From 1998 to 2001, admissions to prison in Arkansas grew, fell, and grew again in each successive year. Over that timeframe, the average annual percent change in admissions was 2.9 percent.*

Significant Finding: *Male admissions have grown at a faster rate than female admissions with the average annual percent change of male admissions at 3.1 percent as compared to 1.9 percent for females.*

Significant Finding: *Growth in total admissions from 2000 to 2001 was larger than over the prior few years. Admissions grew from 6,555 in 2000 to just over 7,000 in 2001, an increase of 6.8 percent.*

Table 19 and Figure 5 present the admissions to prisons in Arkansas from 1998 to 2001 for males and females. Due to limited availability of data, we have used fiscal year 1998 counts in lieu of calendar year 1998 counts.

- The number of admissions to prison has risen from 6,451 in FY 1998 to 7,004 in 2001. This represents an increase of 553 additional inmates admitted in 2001, or an increase of 8.6 percent. The average annual percent change over the time period was 2.9 percent.
- The growth in male admissions has outpaced the growth in female admissions. Male admissions grew 9.1 percent from FY 1998 to 2001, while female admissions grew 4.3 percent.
- From 1998 to 2001, the average annual percent change in the number of male admissions was 3.1 percent and 1.9 percent for female admissions.
- The pattern for both male and female, and thus total admissions, has been an increase from FY 1998 to 1999, followed by a fairly similarly sized decrease from 1999 to 2001, and again, followed by another increase of generally the same magnitude from 2000 to 2001.
- From 2000 to 2001, male admissions posted their largest increase (7.2 percent) of the four-year timeframe, as did overall admissions (6.8 percent).

TABLE 19
 ARKANSAS DEPARTMENT OF CORRECTION
 HISTORICAL ADMISSIONS TO PRISON BY GENDER: 1998-2001

Year	Males	Females	TOTAL ADMISSIONS
FY98*	5,757	694	6,451
1999	6,087	780	6,867
2000	5,859	696	6,555
2001	6,280	724	7,004
Numeric Change 1998 – 2001	523	30	553
Percent Change 1998 – 2001	9.1%	4.3%	8.6%
Average Annual Percent Change 1998 – 2001	3.1%	1.9%	2.9%
Percent Change 2000 – 2001	7.2%	4.0%	6.8%

* Due to limited availability of data, we have used fiscal year 1998 counts in lieu of calendar year 1998 counts.

B. Trends in the Prison Inmate Population

Significant Finding: *In 1991, the total population of state inmates was 7,681. The year-end total of 12,333 inmates in 2001 represents a 60.6 percent increase over the 1991 figure.*

Significant Finding: *From 2000 to 2001, the Arkansas state inmate population grew by 477 offenders (4.0 percent) – similar to the average annual increases posted throughout the prior decade.*

Table 20 and Figure 6 present the year-end inmate populations for inmates from 1991 to 2001.

- The state inmate population has increased by 4,652 offenders since 1991 – a total increase of 60.6 percent with an average annual increase of 4.9 percent per year. In 2001, the population continued the upward trend it displayed through the 1990s, but it grew at a slightly slower pace, increasing by 4.0 percent.
- The population housed in the Arkansas Department of Correction increased every year from 1991 to 2001 except for one year from 1993 to 1994 when the population decreased by just over 100 inmates.
- Since 1991, the total Arkansas state inmate population increased by an average of 465 inmates each year. In 2001, the population increased by a similar level: 477 offenders.

TABLE 20
 ARKANSAS DEPARTMENT OF CORRECTION
 HISTORICAL INMATE POPULATION
 1991-2001

Year	Total Population
1991	7,681
1992	8,373
1993	8,911
1994	8,808
1995	9,378
1996	9,760
1997	10,455
1998	10,890
1999	11,827
2000	11,856
2001	12,333
Numeric Change 1991 – 2001	4,652
Percent Change 1991 – 2001	60.6%
Average Annual Percent Change 1991 – 2001	4.9%
Percent Change 2000 – 2001	4.0%

Numbers represent end of calendar year figures.

V. INMATE POPULATION CHARACTERISTICS IN 2001

The results presented in this section were generated from data files provided by the Arkansas Department of Correction.

A. 2001 Admissions Population

Significant Finding: *In 2001, nearly 7,000 people were admitted to prison in Arkansas with 62 percent admitted as a result of a new conviction and 38 percent admitted for a parole violation.*

Significant Finding: *Among all admissions in 2001, two-thirds were admitted for committing offenses in severity groups 1 through 6, with one-third admitted for offenses in severity groups 7 through 10.*

Significant Finding: *Excluding Lifers and Act 1326, 1135 and 1268 admissions (whose average sentence was 236.0 months), male new commitments had an average sentence of 85.3 months while male parole violators had an average sentence of 93.0 months. Female new commitments and parole violators had approximately the same average sentence at about 71 months.*

Table 21 provides information about the population admitted to prison in 2001. First, the admissions population is divided into Identification (ID) groups based on a combination of Severity Group, Admission Type, Gender, and Offense Type. Next, the table provides the counts, percentages and average sentences of people admitted in each ID group. It's important to note that in constructing the ID groups, we decided to create a separate category for those people sentenced to life in prison and for those sentenced under Act 1326, 1135 and 1268 who are required to serve 70 percent of their sentences. The remaining admissions are divided into New Commitment and Parole Violator categories and further categorized by gender and the severity group of their admitting offenses.

Figure 7 depicts the number of persons admitted in each of the ID groups. Figure 8 illustrates the average sentences for each of those groups.

Admissions Counts

- Of the 6,991 people admitted to the ADOC in 2001 (excludes those admitted to community punishment units), 62 percent were committed as a result of a new conviction and the remaining 38 percent were incarcerated as a result of a parole violation.
- Males comprised 90 percent of admissions and females comprised 10 percent.

- Over half of all admissions to prison in Arkansas in 2001 are males committed as a result of a new conviction (55 percent), and over one-third are males committed for a parole violation (35 percent).
- Two-thirds (66.8 percent) of persons admitted were convicted of offenses in severity groups 1 through 6. One-third (33.2 percent) were admitted of offenses in severity groups 7 through 10.
- 471 (6.7 percent) of persons admitted were convicted under Act 1326, 1135 and 1268. Twenty-four of those admissions were sentenced to life in prison with the remaining 447 admissions receiving sentences less than life in prison.

Sentence Lengths

- The average sentences of male new commitments grew progressively longer from the lowest to the highest severity group. Excluding lifers and Act 1326/1135/1268 admissions, males in severity group 1-2 (combined) had an average sentence of 44.2 months, increasing to 78.8 months for those in severity group 5, averaging 81.2 for severity group 6, surpassing 100 months for severity group 7, and increasing to 169.5 for severity group 8-10 (combined).
- Again, excluding lifers and Act 1326/1135/1268 admissions, male new commitments had an average sentence of 85.3 months while the male parole violators had an average sentence of 93.0 months. Female new commitments and female parole violators had almost the same average sentence: 71.9 months (new commitments) and 71.4 months (parole violators).
- Among those admitted under Act 1326/1135/1268 (excluding those who were sentenced to life in prison),
 - those convicted of manufacturing Methamphetamine had an average sentence of 115.2 months
 - those convicted of aggravated robbery, rape and 1st degree murder had average sentences of 227.8, 271.2 and 427.7 months, respectively.

TABLE 21
 ARKANSAS DEPARTMENT OF CORRECTION
 ADMISSIONS COUNTS AND AVERAGE SENTENCE BY ID GROUP IN 2001

ID Group	# Admitted	% of Admissions	Avg Sentence (in months)
Lifers	47	0.7%	Life
Act 1326/1135/1268 Inmates	447	6.4%	236.0
1 st Degree Murder	55	0.8	427.7
Rape	124	1.8	271.2
Aggravated Robbery	155	2.2	227.8
Kidnapping	2	~0	120.0
Drug – Methamphetamine	111	1.6	115.2
New Commitments – Males	3,463	49.5%	85.3
Severity Groups 1-2	156	2.2	44.2
Severity Group 3	590	8.4	49.0
Severity Group 4	702	10.0	61.6
Severity Group 5	533	7.6	78.8
Severity Group 6	382	5.5	81.2
Severity Group 7	731	10.5	110.6
Severity Groups 8-10	369	5.3	169.5
New Commitments – Females	469	6.7%	71.9
Severity Groups 1-6	339	4.8	55.4
Severity Groups 7-10	130	1.9	115.0
Parole Violators – Males	2,332	33.4%	93.0
Severity Groups 1-6: Males	1,735	24.8	83.1
Severity Groups 7-10: Males	597	8.5	121.9
Parole Violators – Females	233	3.3%	71.4
Severity Groups 1-6: Females	188	2.7	64.5
Severity Groups 7-10: Females	45	0.6	100.3
TOTAL	6,991	100%	96.2*

* Average sentence for all admissions excluding lifers.

B. Sentence Length Comparison: FY 1996, 1997 and 1998 compared to CY 2001

Significant Finding: Comparing admissions in 2001 to admissions in fiscal years 1996 through 1998, average sentences for new commitments were longer in 2001 than in FYs 96-98 for people convicted of offenses in severity groups 1 through 5. Conversely, average sentences were shorter in 2001 than in FYs 96-98 for people convicted of offenses in severity groups 6, 8 and 9. Average sentences in 2001 for severity groups 7 and 10 fell in between sentences in FYs 96-98.

Table 22 and Figure 9 depict average sentences for new commitments by severity group for fiscal years 1996, 1997 and 1998 as well as calendar year 2001. Note that FY97 represents average sentences for male new commitments only; data for females was not provided by the Arkansas DOC.

- Figure 8 illustrates that the average sentences for new commitments in severity groups 1 through 5 are longer in 2001 than in fiscal years 1996 through 1998.
- Conversely, average sentences in severity groups 6, 8 and 9 were shorter in 2001 than in fiscal years 1996 through 1998.
- For severity groups 7 and 10, the 2001 average sentences fall in between the sentences for fiscal years 1996 through 1998.

TABLE 22
ARKANSAS DEPARTMENT OF CORRECTION
AVERAGE SENTENCES OF NEW COMMITMENTS BY SEVERITY GROUP
FISCAL YEARS 1996, 1997, 1998 AND CALENDAR YEAR 2001

Severity Group	Average Sentences in Months			
	FY96	FY97*	FY98	CY01
Severity Groups 1-2	35	35	35	44
Severity Group 3	31	38	39	48
Severity Group 4	45	48	54	61
Severity Group 5	59	62	74	77
Severity Group 6	93	94	88	81
Severity Group 7	103	110	121	112
Severity Group 8	186	204	179	174
Severity Group 9	298	313	313	254
Severity Group 10	442	414	417	419

* Fiscal Year 1997 results are for males only.

2001 Release Population

Significant Finding: *Male new commitments served 14.9 months on average, while male parole violators served 10.4 months. Female new commitments served 11.1 months compared to 8.5 months for female parole violators.*

Significant Finding: *The majority of offenders (77 percent) are released from prison via parole or supervised release, followed by 13 percent released via sentence discharge and by 8 percent released to bootcamp.*

Table 23 provides information about the population released from prisons in Arkansas in 2001. For each ID group, Table 23 presents the number of people released, the average time served in months, and the percent of releases by release type.

Figure 10 depicts the average time served by ID group for the population released in 2001.

Average Time Served

- The average time served for male new commitments ranged from just over 9 months for severity groups 1 through 4, to 16.6 months for severity group 6, to 37.8 months for severity group 8-10 (combined).
- Male new commitments served 14.9 months on average, while male parole violators served 10.4 months. Female new commitments served 11.1 months compared to 8.5 months for female parole violators.

Release Type

- Overall, 77 percent of offenders were released via parole, 13 percent by sentence discharge, 8 percent were released to bootcamp and 1 percent were released by other methods.
- The majority of offenders in all ID groups are released from prison via parole – ranging from a low of 65 percent (male new commitments in severity group 7) to a high of 86 percent (female parole violators in severity group 1-6).
- Only two ID groups had over 12 percent of their offenders released to bootcamp: 33 percent of male new commitments in severity group 7 and 22 percent of female new commitments in severity group 7-10.

TABLE 23
 ARKANSAS DEPARTMENT OF CORRECTION
 RELEASE COUNTS, AVERAGE TIME SERVED, PERCENT OF SENTENCE SERVED AND RELEASE TYPE BY ID GROUP IN 2001

ID Group	# Released	Average Time	% by Release Type*			
			Parole	Discharge	Bootcamp	Other
Lifers	N/A					
Act 1326/1135/1268 Inmates	N/A					
New Commitments – Males	3,603	14.9	77%	10%	11%	2%
Severity Groups 1-2	103	9.2	79	17	4	1
Severity Group 3	848	9.1	81	13	4	2
Severity Group 4	868	9.4	73	14	10	2
Severity Group 5	647	14.7	82	12	5	1
Severity Group 6	330	16.6	85	2	12	1
Severity Group 7	524	21.4	65	1	33	1
Severity Groups 8-10	283	37.8	85	2	12	1
New Commitments – Females	751	11.1	78%	14%	7%	2%
Severity Groups 1-6	627	8.5	78	16	4	2
Severity Groups 7-10	124	24.0	74	2	22	2
Parole Violators – Males	1,636	10.4	75%	21%	4%	~0%
Severity Groups 1-6: Males	1,192	10.0	73	24	3	~0
Severity Groups 7-10: Males	444	11.3	81	13	6	~0
Parole Violators – Females	262	8.5	86%	15%	--	--
Severity Groups 1-6: Females	191	7.6	86	14	--	--
Severity Groups 7-10: Females	71	11.1	83	17	--	--
TOTAL	6,277	13.1	77%	13%	8%	1%

* Release Type percentages may not add to 100% due to rounding.

C. Earned Goodtime Comparison in 2001

Significant Finding: *Among all severity groups, it can be observed that offenders tend to decrease their goodtime earning rate as they spend more time in prison.*

Table 24 provides information about the earned goodtime for people admitted to, incarcerated in and released from Arkansas prisons in 2001. For each ID group, Table 8 presents the proportion of people receiving one of four levels of goodtime:

- a) No goodtime ("0/30")
 - b) 10 days of goodtime per 30 days served ("10/30")
 - c) 20 days of goodtime per 30 days served ("20/30")
 - d) 30 days of goodtime per 30 days served ("30/30").
- As can be seen in the table, an average of 11.5 percent of all admissions begin their incarceration earning 0/30 goodtime days per month.
 - Comparatively, almost 18 percent of all offenders confined in the stock population are earning 0/30 goodtime days per month.
 - These datum would indicate that as an offender spends more time in the system, his goodtime earning class is demoted causing the offender to serve more time in prison.

TABLE 24
 ARKANSAS DEPARTMENT OF CORRECTION
 EARNED GOODTIME IN 2001

ID Group		Admissions 2001	Stock (6/7/02)
Males (NC & PV)			
Severity Groups 1-2	0/30	11.2%	18.6%
	10/30	1.9	7.0
	20/30	27.9	24.6
	30/30	59.1	49.8
Severity Group 3	0/30	11.6%	19.3%
	10/30	2.7	3.3
	20/30	24.9	24.6
	30/30	60.8	52.8
Severity Group 4	0/30	10.3%	18.5%
	10/30	2.1	4.3
	20/30	26.8	23.3
	30/30	60.7	53.8
Severity Group 5	0/30	11.4%	16.0%
	10/30	3.3	3.4
	20/30	28.0	18.1
	30/30	57.3	62.5
Severity Group 6	0/30	13.1%	21.2%
	10/30	3.3	4.7
	20/30	27.5	18.0
	30/30	56.2	56.1
Severity Group 7	0/30	13.2%	16.1%
	10/30	3.2	4.8
	20/30	25.3	15.7
	30/30	58.2	63.4
Severity Groups 8-10	0/30	15.7%	14.6%
	10/30	2.2	5.2
	20/30	26.2	10.0
	30/30	55.2	70.2
Females (NC & PV)			
Severity Groups 1-6	0/30	5.7%	8.4%
	10/30	1.3	3.2
	20/30	30.7	36.9
	30/30	61.7	51.5
Severity Groups 7-10	0/30	6.9%	6.8%
	10/30	2.3	3.9
	20/30	25.7	21.9
	30/30	65.1	67.5

VI. KEY POPULATION PROJECTION ASSUMPTIONS

The inmate population projections contained in this report were completed using the Wizard 2000 simulation model. This model simulates the movements of inmates through the prison system based on known and assumed policies affecting both the volume of admissions into the system and the lengths of stay for inmates who are housed in prison. It simulates the movements of individual cases, by offense group, and projects each separately. Inmates sentenced under different sentencing policies, move through the system differently. We have made the following key assumptions that have a significant impact on the projection results.

A. Future parole grant rates for old law offenders and transfer eligibility rates for new offenders will reflect what was observed during 2001.

For the projections presented in this document, probabilities of parole release for old law offenders for each ID group shown are assumed to be the same as those presented for calendar year 2001 in Table 25 and Figure 11. The overall grant rate (release probability) in 2001 was 37.8 percent. This grant probability is assumed over the next ten years.

New law transfer rates will also remain constant at the rates observed during 2002 throughout the forecast horizon. Table 26 displays the number and rates at which new law offenders were not released at the transfer eligibility dates. As can be seen in the table, approximately 5.4 percent of offenders are held beyond their transfer eligibility date and serve an average of 13 months before being released. The statistics, broken out by gender and type of crime, are assumed over the forecast horizon.

B. The sentence group composition of future annual new court commitments are assumed to be the same as the composition of admissions during 2001.

Projections in this report are based on admission and release data provided to The Institute by the Arkansas Department of Correction for 2001. Table 21 presented the sentencing profiles for newly committed inmates by ID group. Future admissions are assumed to “look like” these admissions in terms of the proportion of admitting charges, sentences received, good time credit awards, and serving times to parole eligibility.

C. Parole revocation rates will remain at the levels reported in 2001.

In 2001, it was determined that 2,218 offenders were returned for parole violations: 474 were returned due to a new conviction and 1,744 were returned for a technical violation. It is important to note that The ADOC database does not reliably record parole violations with new charges due to the fact that disposition of the new charges are sometimes delayed. Therefore, this information originated from the Department of Community Correction and was verified as best as possible from the ADOC database. It is anticipated this data will

become more reliable when both agencies are brought on-line with a joined database. For the purposes of this baseline forecast, the assumption is made that future violation levels are assumed to remain at the levels reported in 2001.

D. Over the forecast period, new commitments are projected to increase by an overall average of 1.0 percent each year through the year 2012.

The base admissions assumptions was developed by combining historical trends in prison admissions for the past four years, the correlation between the historical demographic state population and the historical crime rate and the projected demographic growth for the state.

The inmate population base forecast assumes that the number of annual new commitments will increase from 7,072 in 2002 to 7,870 in 2012 (See Table 27). This represents an increase of 73 inmates per year until 2012 with an average annual increase of 1.0 percent per year. This admissions assumption is consistent with what is being observed and forecasted across the country.

TABLE 25
ARKANSAS DEPARTMENT OF CORRECTION
PAROLE GRANT RATES BY GENDER AND SEVERITY GROUP IN 2001

ID Group	# of hearings	# granted	% granted
Males			
Severity Groups 1-2	1	1	100.0%
Severity Group 3	20	14	70.0
Severity Group 4	27	19	70.4
Severity Group 5	33	12	36.4
Severity Group 6	36	24	66.7
Severity Group 7	73	47	64.4
Severity Groups 8-10	518	146	28.2
Females			
Severity Groups 1-6	20	12	60.0
Severity Group 7-10	26	10	38.5
Total	754	285	37.8

TABLE 26
 ARKANSAS DEPARTMENT OF CORRECTION
 OFFENDERS (RELEASED VIA DISCHARGE) HELD BEYOND TRANSFER
 ELIGIBILITY DATE
 BY ID GROUP IN 2001

ID Group*	Total Released via Discharge	Total Held Beyond Transfer Eligibility Date	% Held Beyond Transfer Eligibility Date	For those held beyond TE Date, average # of months held over
New Commitments – Males	334	60	18.0%	6.9
New Commitments – Females	99	15	15.2%	2.9
Parole Violators – Males	298	40	13.4%	26.3
Parole Violators – Females	30	2	6.7%	9.7
TOTAL	761	117	15.4%	13.1

* Includes only those with an offense date after 1/1/94.

TABLE 27
 ARKANSAS DEPARTMENT OF CORRECTION
 HISTORICAL AND PROJECTED NEW ADMISSIONS 1998-2012

Year	Historical	Projected
FY98*	6,451	
1999	6,867	
2000	6,555	
2001	7,004	
2002		7,072
2003		7,141
2004		7,282
2005		7,353
2006		7,425
2007		7,497
2008		7,570
2009		7,644
2010		7,719
2011		7,794
2012		7,870
Numeric Change 1998 – 2001	553	
Percent Change 1998 – 2001	8.6%	
Average Annual Percent Change 1998 – 2001	2.9%	
Numeric Change 2002 – 2012		798
Percent Change 2002 – 2012		11.3%
Average Annual Percent Change 2002 – 2012		1.0%

* Due to limited availability of data, we have used fiscal year 1998 counts in lieu of calendar year 1998 counts.

VII. PRISON POPULATION PROJECTION

This section contains the inmate population projections based on the assumptions set forth above.

A. Projected Inmate Population

Table 28 and Figure 12 display the historical and projected inmate population for the period 1991 to 2012. The table includes the projections using the base model assumptions. A more detailed breakdown of the forecast by gender and by month is presented in Appendix A of this document.

- In 2012, 16,776 offenders are projected to be housed in the Arkansas Department of Correction.
- At the end of 2001, the inmate prison population was 12,333. The population is projected to increase to 12,730 inmates in 2002 to 14,938 in 2007 and to 16,776 inmates in 2012. The projected growth represents average annual increases of 404 inmates or 2.8 percent per year through the year 2012.

TABLE 28
 ARKANSAS DEPARTMENT OF CORRECTION
 HISTORICAL AND PROJECTED INMATE POPULATION 1991-2012

Year	Historical	Projected
1991	7,681	
1992	8,373	
1993	8,911	
1994	8,808	
1995	9,378	
1996	9,760	
1997	10,455	
1998	10,890	
1999	11,827	
2000	11,856	
2001	12,333	
		Base
2002		12,730
2003		13,221
2004		13,628
2005		14,065
2006		14,522
2007		14,938
2008		15,315
2009		15,708
2010		16,055
2011		16,402
2012		16,776
Numeric Change 1991 – 2001	4,652	
Percent Change 1991 – 2001	60.6%	
Average Annual Percent Change 1991 – 2001	4.9%	
Numeric Change 2002 – 2012		4,046
Percent Change 2002 – 2012		31.8%
Average Annual Percent Change 2002 – 2012		2.8%

VIII. ALTERNATIVES/ADDITIONAL ANALYSIS TO THE BASE PRISON POPULATION PROJECTION

This section contains alternatives and additional analysis to the base population projection.

A. Older Population Analysis

Table 29 displays the admissions and stock population categorized by age categories and presents the average sentences for each age group in the admissions population. We present this table to focus attention of the older inmate population. Table 30 presents the counts of admissions and the average sentences by ID group for people age 50 or older at time of admission.

- 292 (4.2 percent) of the 6,991 persons admitted to Arkansas prisons were age 50 or older at time of admission. Most (85 percent) of these older people are in the 50-59 age range.
- Curiously, the average sentence of those admitted at age 50-59 was the longest of any of the age groups: 119.9 months. This appears to be due to the disproportionately higher numbers of older inmates convicted under Act 1326, 1135 and 1268 (10.6 percent) as compared to the entire admissions population (6.4 percent), and of older male new commitments in severity group 8-10 (7.9 percent of older admissions compared to 5.3 percent of the whole admissions population).
- In the stock population, inmates age 50 or older (at the time of the stock file download) represent 8.2 percent of all inmates. Again, most (76 percent) of these people are in the 50-59 age range.

TABLE 29
ARKANSAS DEPARTMENT OF CORRECTION
COUNTS OF ADMISSIONS AND STOCK POPULATION BY AGE CATEGORIES IN 2001

Age Group	# Admitted	% of Admissions	Avg Sentence* (in months)	% in Stock Population
19-& under	410	5.9%	100.9	2.5%
20-24	1,520	21.7	88.1	18.5
25-29	1,339	19.2	90.3	18.2
30-34	1,155	16.5	96.6	15.7
35-39	1,114	15.9	99.9	15.3
40-44	756	10.8	101.8	13.5
45-49	405	5.8	106.2	8.1
50-59	248	3.5	119.9	6.3
60-69	39	0.6	96.3	1.5
70 & over	5	0.1	64.8	0.5
Missing	0	--	--	~0
TOTAL	6,991	100.0	96.2	100.0

TABLE 30
 ARKANSAS DEPARTMENT OF CORRECTION
 ADMISSIONS POPULATION **AGE 50 & OVER** BY ID GROUP IN 2001

ID Group	# Admitted	% of 50 & over Admits	Avg Sentence (in months)
Lifers	2	4.0%	Life
Act 1326/1135/1268 Inmates	31	10.6%	271.3
New Commitments – Males	161	55.1%	95.7
Severity Groups 1-2	10	3.4	65.1
Severity Group 3	38	13.0	49.5
Severity Group 4	25	8.6	55.7
Severity Group 5	34	11.6	95.8
Severity Group 6	9	3.1	88.0
Severity Group 7	22	7.5	94.9
Severity Groups 8-10	23	7.9	232.2
New Commitments-Female	19	6.5%	69.1
Severity Groups 1-6	13	4.5	50.3
Severity Groups 7-10	6	2.1	110.0
Parole Violators – Males	71	24.3%	106.8
Severity Groups 1-6: Males	58	19.9	104.1
Severity Groups 7-10: Males	13	4.5	119.1
Parole Violators – Females	8	2.7%	109.5
Severity Groups 1-6: Females	6	2.1	106.0
Severity Groups 7-10: Females	2	4.0	120.0
TOTAL	292	100.0%	115.8

Based on this analysis and extrapolating it to the base, the following forecast of offenders aged 50 and over was developed.

TABLE 31
 ARKANSAS DEPARTMENT OF CORRECTION
 PROJECTED ELDERLY POPULATION

Year	Number aged 50+	Percent Aged 50+	Total Forecasted Population
2001 (Actual)	1,024	8.3%	12,333
2005	1,729	12.3%	14,065
2008	2,604	17.0%	15,315
2012	3,624	21.6%	16,776

B. Transfer Eligibility Date Alternative

Table 27 (presented earlier in this document) represents the portion of the release population who were released via discharge. The table indicates, by broad ID Group, how many of those releases were held beyond their transfer eligibility date and the average length of time they were held beyond that date.

It should be noted that the table includes only those people with an offense date after January 1, 1994, when the Arkansas Sentencing Standards were put into effect.

- Among the 761 inmates released via discharge who committed the instant offense after 1/1/1994, 15.4 percent were held beyond their transfer eligibility (TE) date.
- Those held beyond their TE date were held an additional 13.1 months, on average.
- While a slightly higher portion of new commitment inmates were held beyond their TE date than were parole violators, the new commitment inmates were held for a much shorter period of time beyond their TE date.
 - Among the new commitment inmates, 17.3 percent were held beyond their TE date for an average of 6.1 months.
 - Among the parole violator inmates, 12.8 percent were held beyond their TE date for an average of 25.4 months.
- Fewer females were held beyond their TE dates than their male counterparts, and the females were held over for much shorter periods of time than their corresponding males.

Based on the data above, table 32 provides the following sub-forecast was completed which separates out the additional bedspace needed due to the fact that offenders are not being released on the transfer eligibility date.

TABLE 32
 ARKANSAS DEPARTMENT OF CORRECTION
 BED SPACE FOR DELAYED TRANSFERS

Year	Bed space Needed for Additional Serving Time Due to Delayed Transfers	Base Forecasted Population
2002	425	12,730
2005	476	14,065
2008	507	15,315
2012	557	16,776

C. Technical Violators to Revocation Center Alternative

During on site interviews with the Department of Community Correction (DCC) and the Department of Correction, more information was requested on the percentage of the DOC population who are currently serving time for a technical parole and/or supervised release violation.

- It would be assumed under this alternative that approximately 70 percent of the offenders admitted for technical violations would no longer be admitted to the DOC but would rather be placed in a violation center set-up and run by the Department of Community Correction.
- In 2001, it was determined that 1,744 were returned to DOC for a technical violation or parole and/or supervised release.
- Under this assumption, the offenders diverted would be required to stay approximately 3-4 months in the violation center.

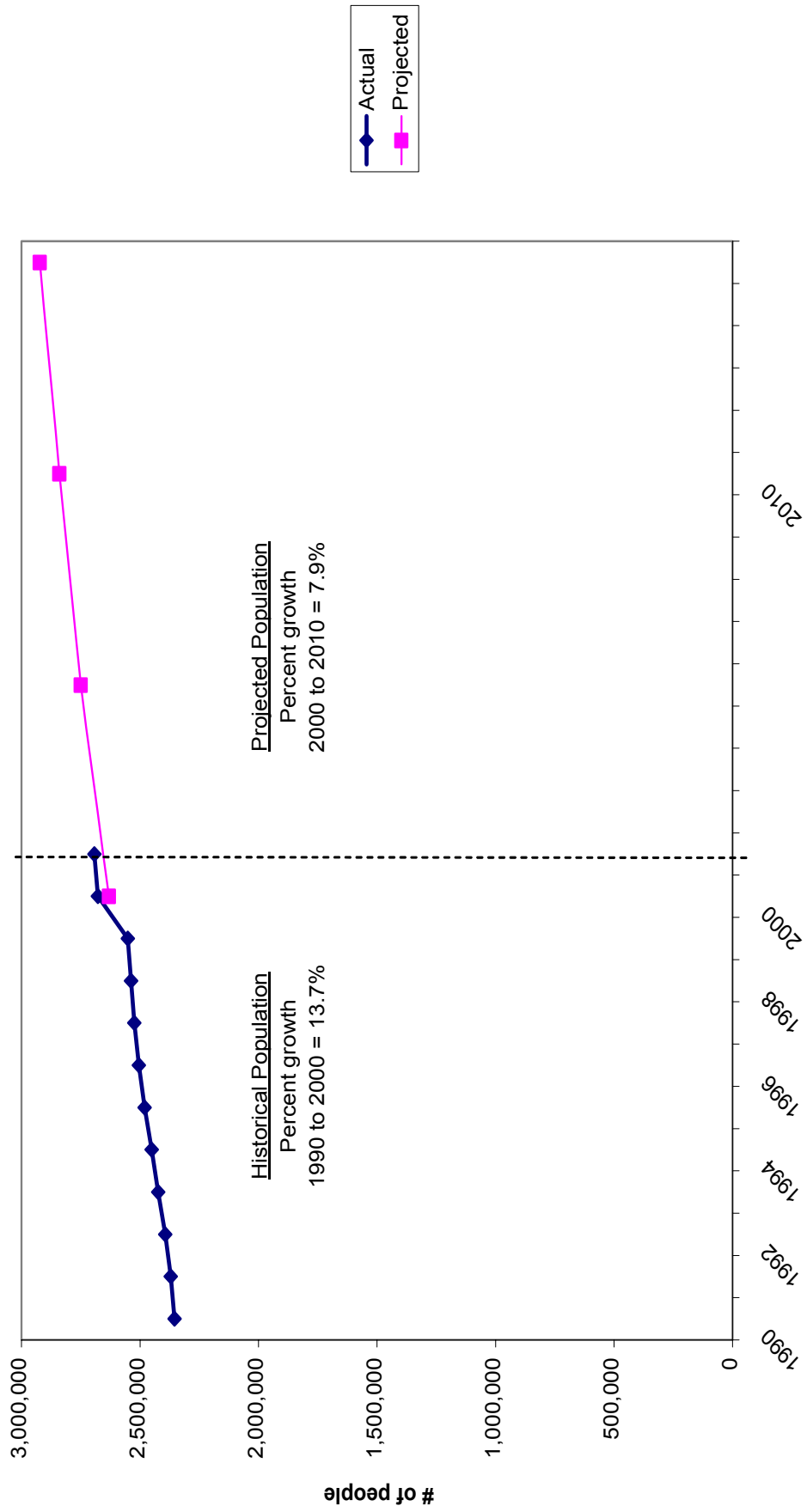
Based on these assumptions, the table 33 presents the estimated bed space savings expected in DOC if such a program were in place. The estimated beds and/or slots that would be needed at the DCC level is also included in this table.

TABLE 33
 ARKANSAS DEPARTMENT OF CORRECTION
 ALTERNATIVE TECHNICAL VIOLATION PROJECTION

Year	Based Forecast	Bed Space Saved	Revised Forecast	Beds/Slots Needed at DCP
2002	12,730	-689	12,041	366
2005	14,065	-970	13,095	378
2008	15,315	-1,009	14,306	385
2012	16,776	-1,056	15,720	406

APPENDIX A

**FIGURE 1: Arkansas Population Estimates and Projections
1990 - 2015**



**FIGURE 2: Reported Crime and Population:
Arkansas 1990-2000**

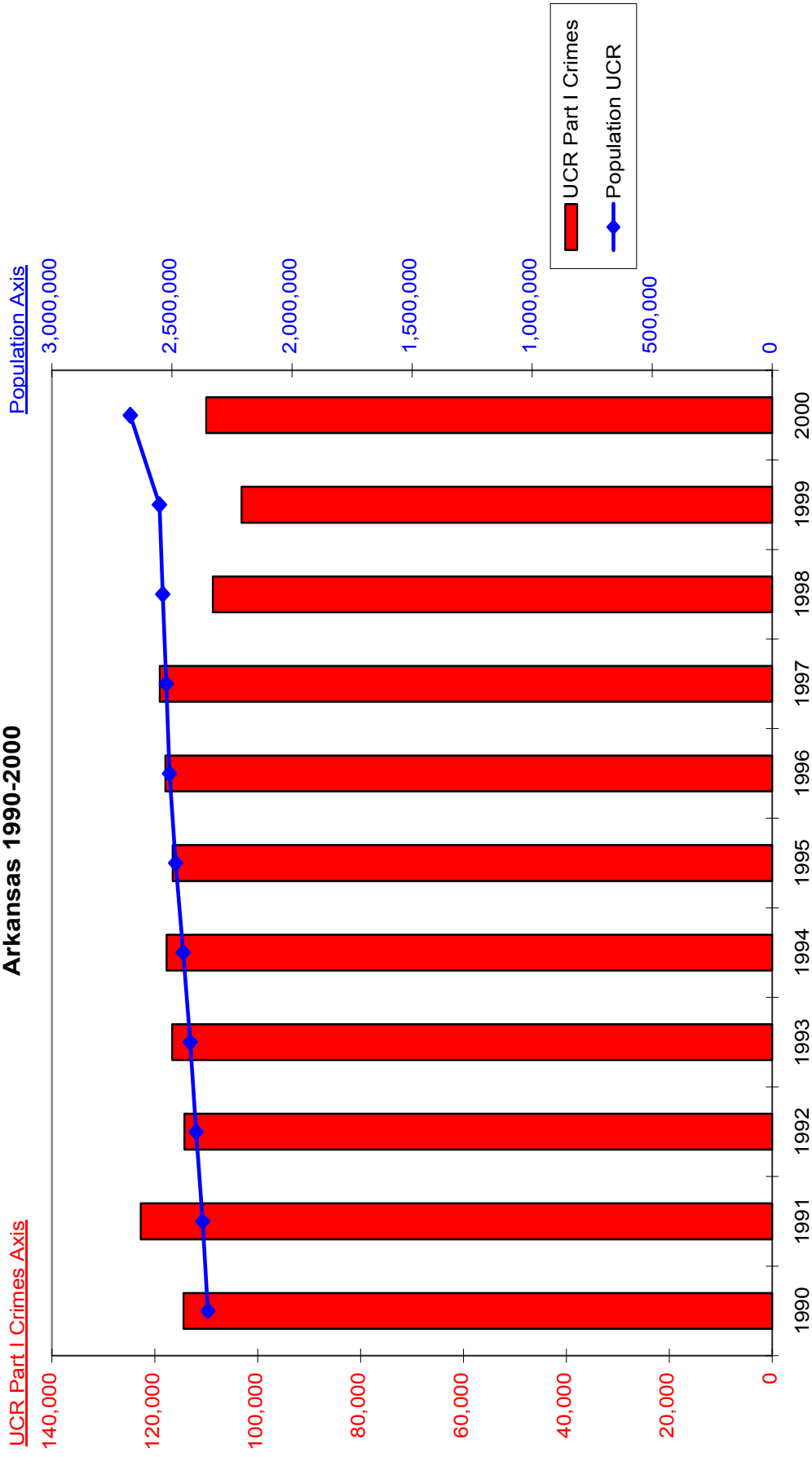


FIGURE 3b: Selected Arrests in Arkansas by Offense Type 1995-2000

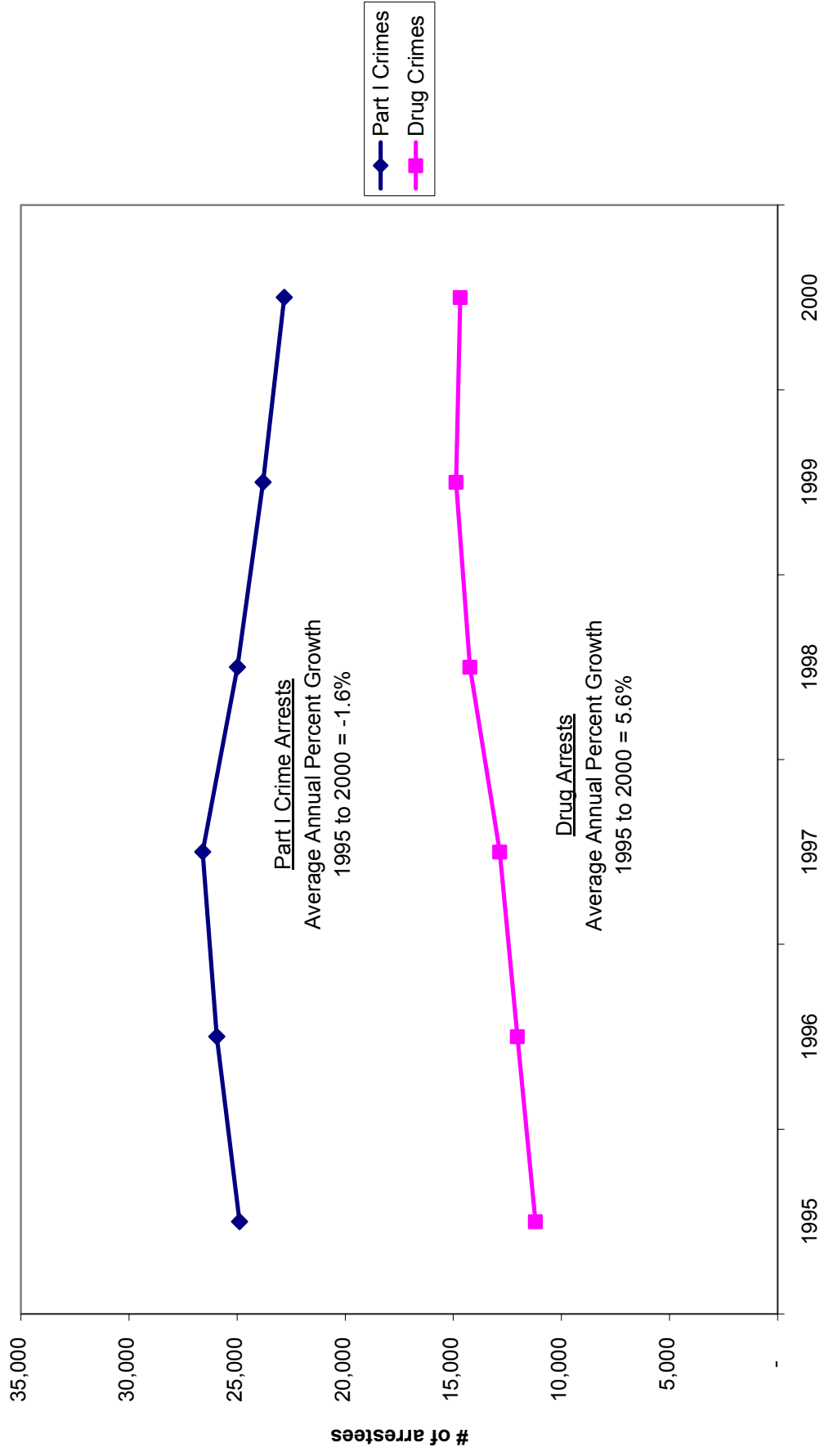
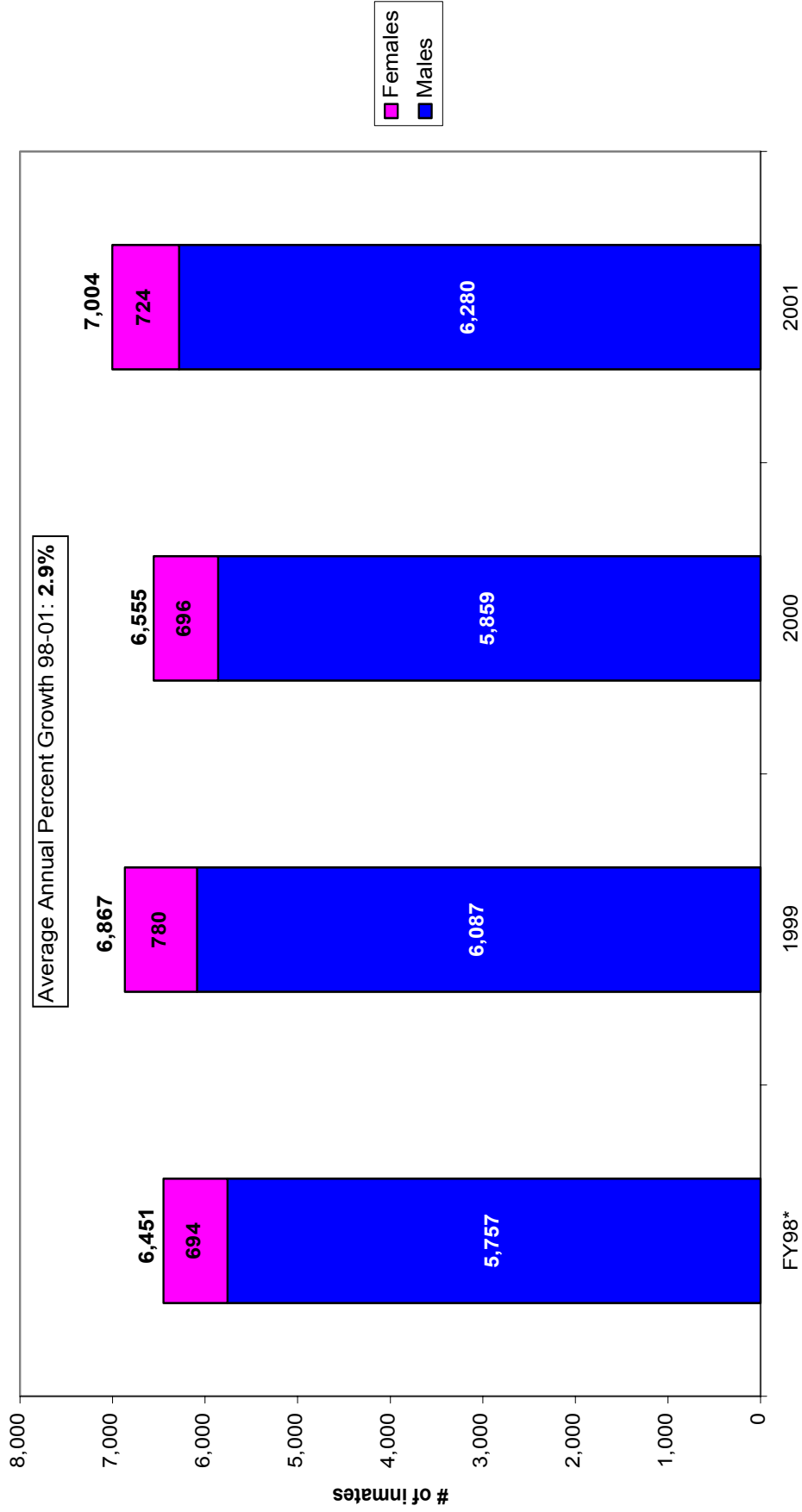


FIGURE 5: Historical Admissions to Prison: 1998-2001



* Due to limited availability of data, we have used fiscal year 1998 counts in lieu of calendar year 1998 counts.

FIGURE 6: Historical Inmate Population: 1991 to 2001

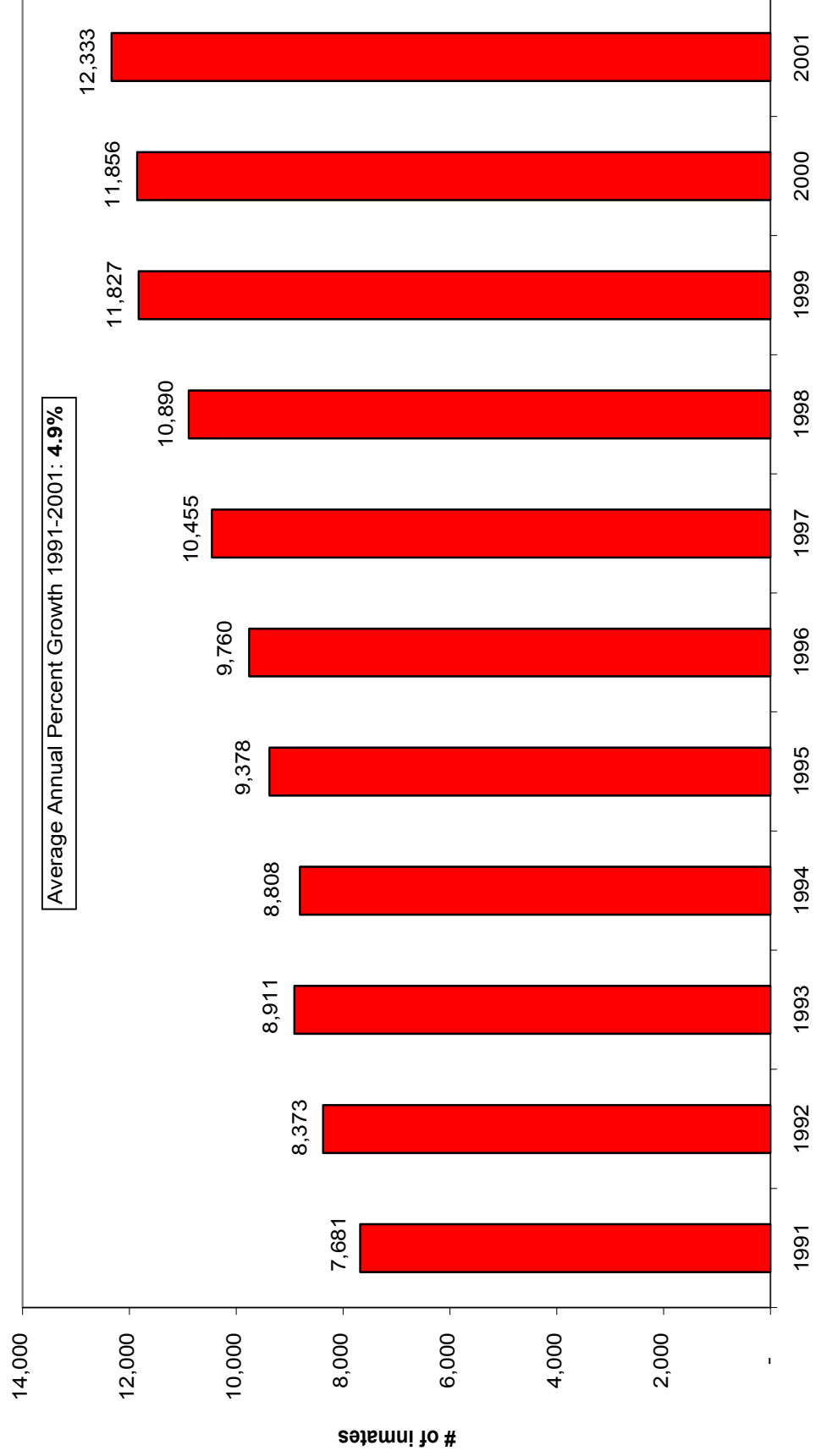
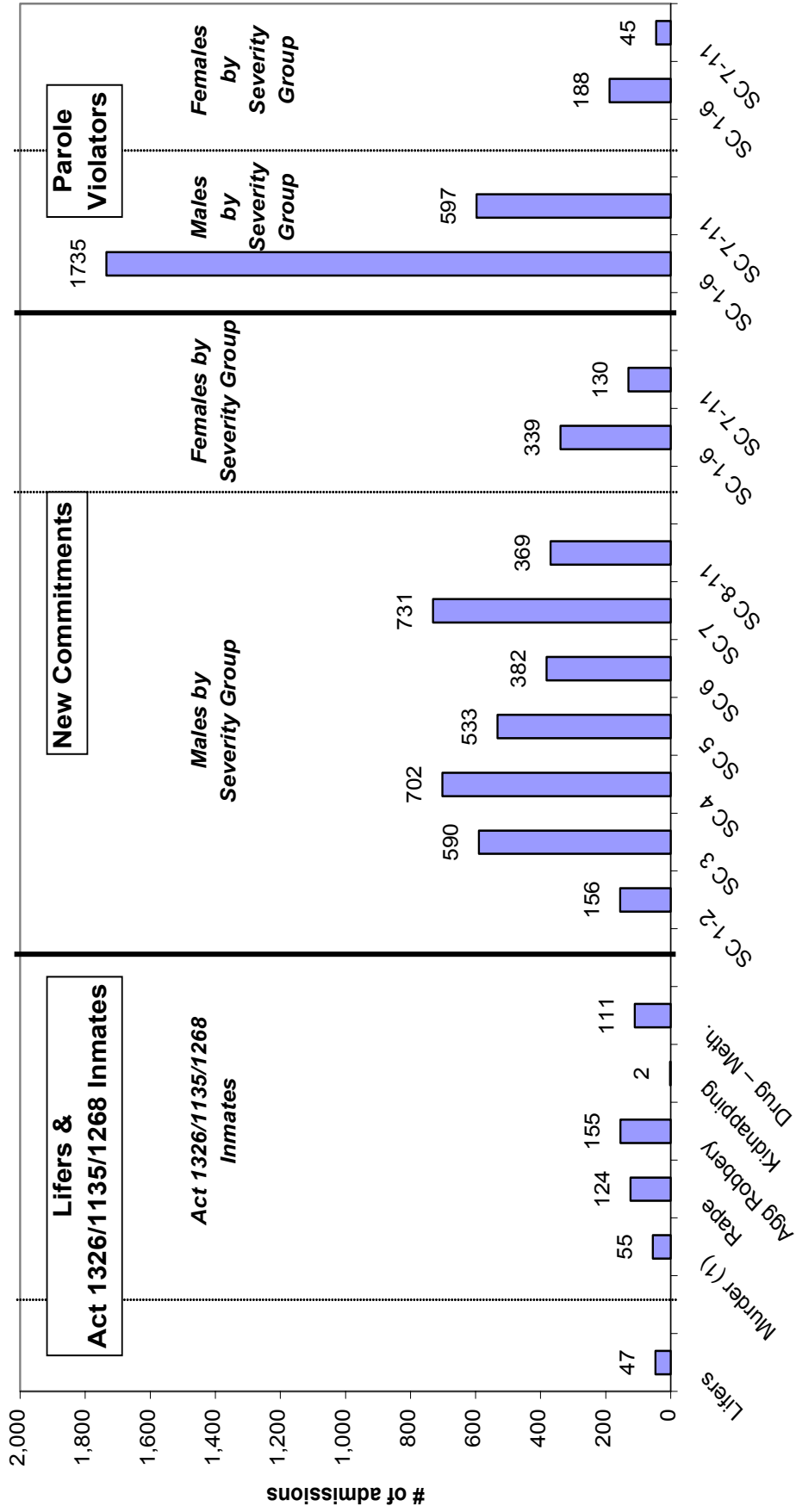
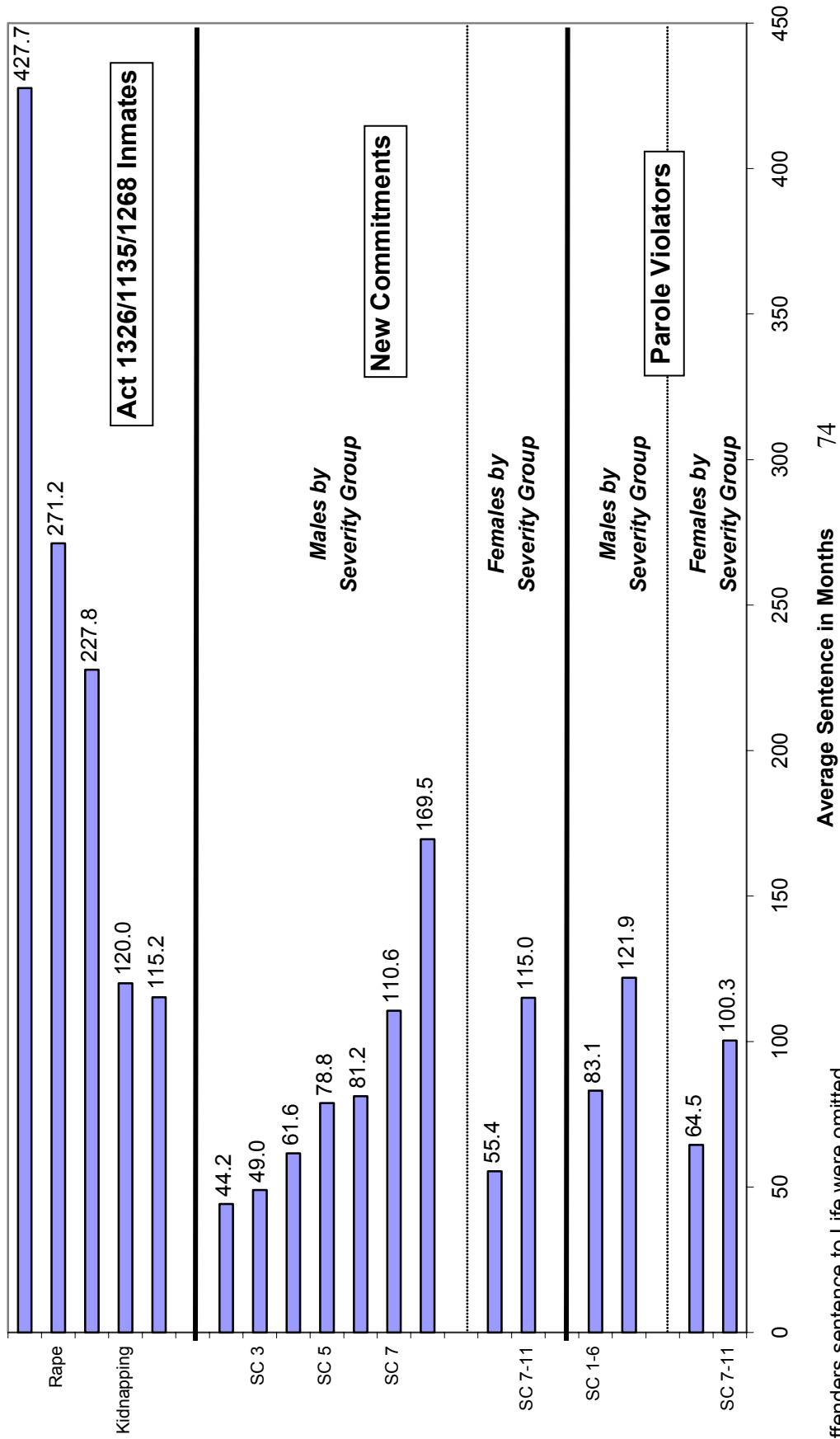


FIGURE 7: Number of People Admitted to Prison by Gender, Severity Group and Admission Type in 2001

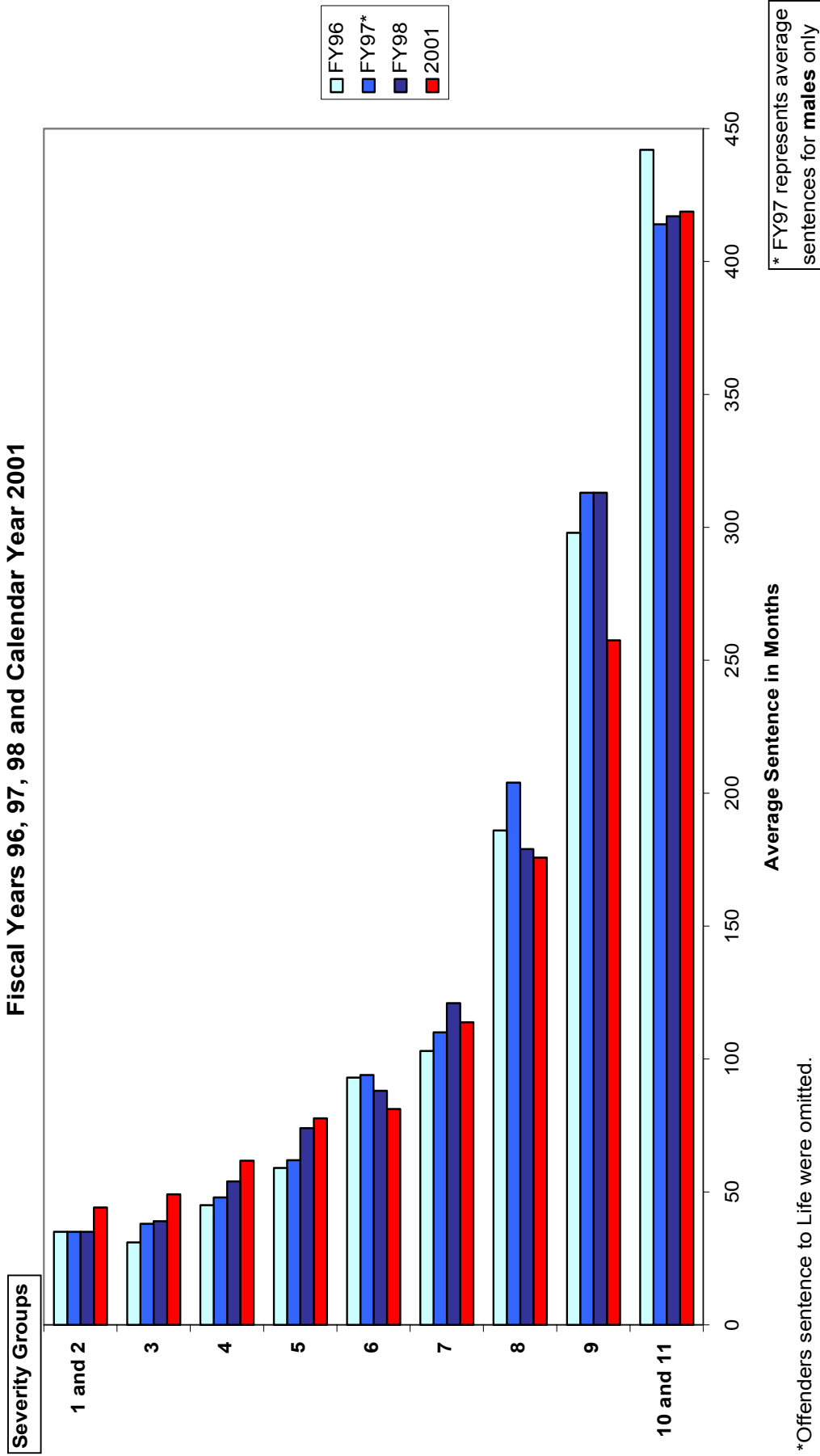


**FIGURE 8: Average Sentences of People Admitted to Prison
by Gender, Severity Group and Admission Type in 2001**



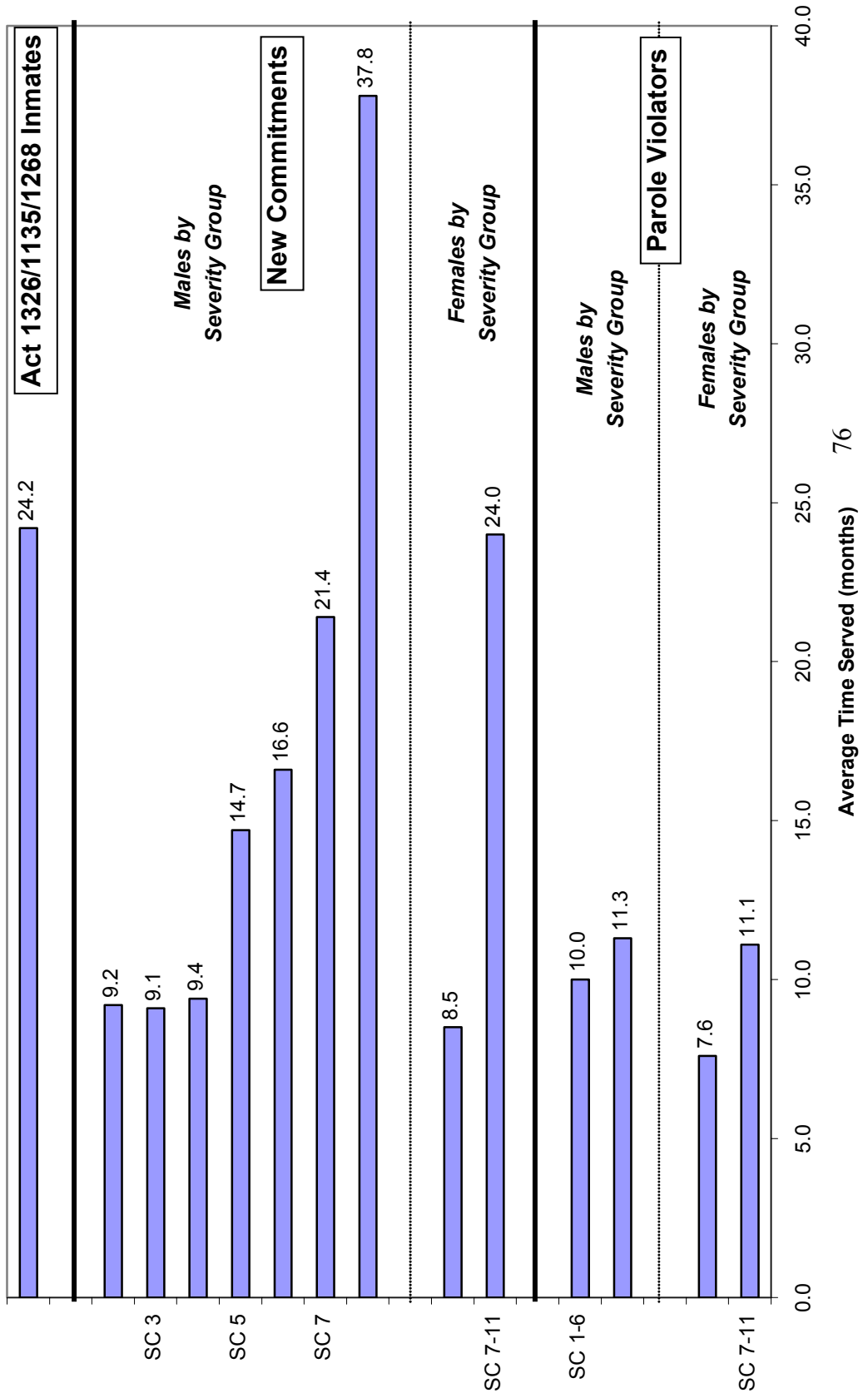
*Offenders sentence to Life were omitted.

FIGURE 9: Comparison of Average Sentences for New Court Commitments Admitted to Prison by Severity Group Fiscal Years 96, 97, 98 and Calendar Year 2001



*Offenders sentence to Life were omitted.

**FIGURE 10: Average Time Served of People Released from Prison in 2001
by Gender, Severity Group and Admission Type**



APPENDIX B

Departure reports are to be submitted on any case having more than five per cent (5%) deviation from the presumptive sentence. At the present time, data is captured in the form of the number of reports received by the Sentencing Commission. Each departure report may refer to more than one case and may have more than one reason listed. The following tables list the departure reasons received for 1999 and 2001 circuit court cases which had a felony conviction on at least one count. Levels 1-6 must serve one-third of the sentence and levels 7-10 must serve one-half of the sentence. Both times are reduced by earned good time unless otherwise stated by law.

1999 Mitigated Departure Reports										
Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Victim played aggressive role		1	1	1	2	4	2	7		
Offender lacked capacity of judgment			3		2	1		1	2	1
Defendant played a minor or passive role		3	10		4	7	6	6		1
Offender made compensation			2		1					
Offender was lesser participant								1		
Acted to continued sexual/physical abuse										
Multiple offense policy too excessive		5	62	5	20	8	12	6		
Admitted sexual offense/sought treatment									1	
Offender made effort to aid investigation			11	2	4	10	6	5		
Other mitigated		3	65	11	39	31	47	29	16	3

1999 Aggravated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Conduct manifested extreme cruelty		2	4	11	3	1		12	2	9
Knew victim vulnerable due to age or disability		6	18	12	42	8	3	6	15	1
<i>Major Economic Reasons:</i>										
Offense had multiple victims or incidents		4	37		16	21	6	2	3	3
Monetary loss greater than typical		1	14		9	12	3			
Degree of sophistication or time			5		3					1
Misuse of fiduciary duty			7		3	1				
Other similar conduct		1	8			4	3		1	
<i>Controlled Substance Reasons:</i>										
Three or more separate transactions		2	8			4	49	1		
Amounts larger than statutory minimum		3	11			9	31	2		
High degree of planning			5			7	5	3		
Occupied a high position in drug hierarchy			7			1	8	3		
Misused position of trust or fiduciary duty						1	1			
Received substantial income from drugs		2	5			8	25	3		
Employed firearm in furtherance of offense		6	7			2	13	14	2	3
Offense was sexual and part of a continuing pattern		2	5	2	25	2			13	
Multiple offense policy too lenient		39	219	17	52	64	71	17	4	2

1999 Aggravated Departure Reports										
Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Offense exposed risk or injury to others		27	60	16	17	22	29	22	3	2
Violent or sexual in victim's zone of privacy		3	13	8	35	8	3	10	11	7
Attempted to cover offense by intimidation		4	6	8	5	2	4	2	1	4
Offense committed to avoid arrest or effect escape		20	16	4	5	2	8	3		
Lacks minimum insurance in vehicular homicide		1				1				
Statutory Minimum Sentence Overrides Presumptive		18	127	10	38	18	89	13	3	
Multiple Concurrent Sentences Being Entered		45	393	24	116	99	175	28	10	5
Higher Sentence Result of Charges Dropped.		23	177	20	49	45	121	37	3	4
Other aggravating reasons		72	507	45	122	98	147	50	10	5

2000 Mitigated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Victim played aggressive role		1	1					3	1	
Offender lacked capacity of judgment		1				2			1	
Defendant played a minor or passive role			2		1	2				
Offender made compensation			2							
Offender was lesser participant						1	1			
Acted to continued sexual/physical abuse			1							
Multiple offense policy too excessive		4	27	4	9	16	2	5	3	
Admitted sexual offense/sought treatment										
Offender made effort to aid investigation			6		4	6	3	2	1	
Other mitigated		2	32	3	13	17	22	7	5	1

2000 Aggravated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Conduct manifested extreme cruelty		1	2	3	1	2	1	3		1
Knew victim vulnerable due to age or disability		2	9	6	18	5	2	5	5	1
<i>Major Economic Reasons:</i>										
Offense had multiple victims or incidents		2	38		9	12	4			
Monetary loss greater than typical			11		6	7				
Degree of sophistication or time			5		1					
Misuse of fiduciary duty			1		2	1				
Other similar conduct			4		2	2				
<i>Controlled Substance Reasons:</i>										
Three or more separate transactions			10		1	1	8			
Amounts larger than statutory minimum			11			2	8	1		
High degree of planning							2			
Occupied a high position in drug hierarchy			1							
Misused position of trust or fiduciary duty										
Received substantial income from drugs			2			1	3			
Employed firearm in furtherance of offense		3	1	1		1	5	5		1
Offense was sexual and part of a continuing pattern			4	1	9				4	
Multiple offense policy too lenient		23	114	5	19	32	17	4		1

2000 Aggravated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Offense exposed risk or injury to others		14	39	8	10	12	13	7		
Violent or sexual in victim's zone of privacy		1	5	4	9	6	5	5	4	1
Attempted to cover offense by intimidation		2	2	1	5	1	2	1		
Offense committed to avoid arrest or effect escape		4	6	1	3	3	1	3		
Lacks minimum insurance in vehicular homicide										
Statutory minimum sentence overrides presumptive		3	52		8	6	19	1	1	
Multiple concurrent sentences being entered		27	163	11	55	39	60	15		
Higher sentence result of other charges dropped		18	62	12	18	27	41	15	2	
Other aggravating reasons		31	198	6	47	57	62	10	1	2

2001 Mitigated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Victim played aggressive role		3		2	3			3	1	1
Offender lacked capacity of judgment		1	3			6		1	1	
Defendant played a minor or passive role			2	1	4	2	2	2		
Offender made compensation			1				1			
Offender was lesser participant				1		1		1		
Acted to continued sexual/physical abuse										
Multiple offense policy too excessive		2	16	1	15	4	7	1	1	
Admitted sexual offense/sought treatment							1		2	
Offender made effort to aid investigation		1	17	3	7	7	5	7	1	1
Other mitigated		8	50	12	41	19	40	24	5	2

2001 Aggravated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Conduct manifested extreme cruelty		2	2	3		3	4	3	1	
Knew victim vulnerable due to age or disability		3	6	6	17	3	7	3	2	2
<i>Major Economic Reasons:</i>										
Offense had multiple victims or incidents		3	20	7	12	10	6	1		
Monetary loss greater than typical			8		8	2	1	1		
Degree of sophistication or time			4							
Misuse of fiduciary duty			1	1	4	2	2			
Other similar conduct		4	5	2	2	8	5	1		
<i>Controlled Substance Reasons:</i>										
Three or more separate transactions		1	6	2		1	5			
Amounts larger than statutory minimum		1	3	3	1	1	12			
High degree of planning				1		1	1			
Occupied a high position in drug hierarchy			1				1			
Misused position of trust or fiduciary duty		1					1			
Received substantial income from drugs		1	2	2		1	4			
Employed firearm in furtherance of offense		2	7		1	1	3	3	1	
Offense was sexual and part of a continuing pattern		2	2	2	8	3			3	
Multiple offense policy too lenient		21	124	17	35	30	39	7	1	

2001 Aggravated Departure Reports

Reason	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9	Level 10
Offense exposed risk or injury to others		13	29	13	13	9	10	9		
Violent or sexual in victim's zone of privacy		3	6	5	8	7	2	5	6	2
Attempted to cover offense by intimidation		2	2	4	3	3	4	1	1	
Offense committed to avoid arrest or effect escape		7	13	5	8	4	4	1		
Lacks minimum insurance in vehicular homicide			1							
Statutory minimum sentence overrides presumptive		5	46	4	18	5	18	3	2	1
Multiple concurrent sentences being entered		44	219	25	85	75	84	17	3	
Higher sentence result of other charges dropped		25	98	17	35	34	80	16	7	
Other aggravating reasons		51	238	29	94	57	78	31	3	2

APPENDIX C

OFFENSE SERIOUSNESS RANKING TABLE
FOR ALL CRIMINAL OFFENSES BY RANKING

<u>Statute #</u>	<u>Class</u>	<u>Name of Crime</u>	<u>Ranking</u>
<u>LEVEL 10</u>			
#5 10 102	Y	Murder I	10
<u>LEVEL 9</u>			
5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation	9
5 13 210	Y	Introduction of C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and thereafter)	9
#5 14 103	Y	Rape	9
#5 38 202	Y	Causing a Catastrophe	9
5 64 414	Y	Continuing Criminal Enterprise	9
5 74 107	Y	Discharge of a Firearm From Car (First Degree)	9
5 74 108	Y	Violent Group Activity, Enhanced	9
<u>LEVEL 8</u>			
5 10 103	B	Murder II	8
#5 11 102	Y	Kidnapping	8
#5 12 103	Y	Aggravated Robbery	8
5 13 201	B	Battery I	8
5 13 310	Y	Terroristic Act	8
5 26 301	B	Wife Battering I (Offense date - prior to July 28, 1995)	8
5 26 303	A	Domestic Battering I (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	8
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - prior to August 1, 1997)	8
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - August 1, 1997 and after)	8
##5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II >200 gms <400 gms	8
##5 64 401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II >400 gms	8
5 64 406	Y	Distribution of Controlled Substance to a Minor	8
5 73 211	U	Perpetrating Crime with Machine Gun	8
5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	8
5 74 106	Y	Simultaneous Possession of Drugs and Firearms	8
5 74 108	A	Violent Group Activity, Enhanced	8

LEVEL 7

5 12 102	B	Robbery	7
5 13 210	Y	Intro Controlled Substance into Body (Schedule I-II)	7
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - August 13, 2001 and thereafter)	7
5 14 124	A	Sexual Assault, First Degree (Offense date - August 13, 2001 and thereafter)	7
5 27 605	B	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - August 13, 2001 and thereafter)	7
5 38 301	A	Arson (>\$20,001 < \$100,000 Damage) (Offense date - prior to August 1, 1997)	7
5 38 301	A	Arson (>\$15,000 < \$100,000 Damage) (Offense date - August 1, 1997 and thereafter)	7
##5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance Schedule I/II <28 gms	7
##5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms	7
5 64 402	B	Failure to Keep Records-Drug Free Zone	7
5 73 204	U	Violation Uniform Machine Gun Act	7
5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	7
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	7
5 74 107	B	Discharge of a Firearm From Car (Second Degree)	7
5 74 108	B	Violent Group Activity, Enhanced	7

LEVEL 6

5 10 104	C	Manslaughter	6
5 11 102	B	Kidnapping	6
5 14 104	A	Carnal Abuse I (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	6
5 14 123	A	Knowingly Exposing Another to HIV (Offense date prior to August 13, 2001)	6
5 14 125	B	Sexual Assault, Second Degree (Offense date - August 13, 2001 and thereafter)	6
5 26 202	A	Incest When Victim < 16	6
5 27 221	B	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	6
5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense)	6
5 27 402	B	Employ/Authorize Child <17 Sexual Performance (Subsequent Offense)	6
5 27 403	B	Produce/Direct Sexual Performance Child <17	6

5 27 602	B	Distributing, Possessing or Viewing Matter Depict Conduct Involve Child (Second or Subq. Offense) (Offense date - August 13, 2001 and thereafter)	6
5 27 603	B	Computer Child Pornography (Offense date - August 13, 2001 and thereafter)	6
5 28 103	B	Abuse of Adults	6
5 39 201	B	Burglary - Residential	6
5 51 201	A	Treason	6
5 54 121	B	Tampering With/Breaking Into Court Records (Offense date - July 30, 1999 and thereafter)	6
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent Schedule I - II	6
5 64 401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms	6
5 64 401.6	A	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date October 10, 1994 and thereafter)	6
##5 64 403	B	Use of Paraphernalia to Manufacture Methamphetamine (Offense date - April 9, 1999 until April 30, 2002)	6
5 71 229	B	Stalking First Degree	6
5 74 104	B	Engaging in Continuing Gang Org. or Enterprise (First Degree)	6
5 74 104	A	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	6
5 74 203	B	Soliciting a Minor to Join a Gang (Second Offense) (Offense date - October 10, 1994 and thereafter)	6
8 7 204	U	Release of Hazardous Waste with Danger Of Death/Serious Bodily Injury	6

LEVEL 5

5 10 106	C	Physician-Assisted Suicide (Offense date - July 30, 1999 and thereafter)	5
5 11 105	B	Aircraft Piracy	5
5 11 106	B	Permanent Detention	5
5 13 210	B	Intro Controlled Substance into Body (Schedule I-III)	5
5 13 310	B	Terroristic Act	5
5 14 104	B	Carnal Abuse I (Offense date - prior to July 28, 1995)	5
5 14 105	C	Carnal Abuse II (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	5
5 14 108	C	Sexual Abuse I (Offense date - prior to August 13, 2001)	5
5 26 202	C	Incest	5
5 26 304	B	Domestic Battering II (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	5
5 27 221	C	Permitting Child Abuse	5
5 27 303	C	Engaging Child in Sex Explicit (First Offense)	5

5 27 304	B	Transportation/Distribution of Material Depicting Child (Subsequent Offense)	5
5 27 305	C	Transportation of a Minor for Prohibited Conduct	5
5 27 402	C	Employ/Authorize Child <17 Sexual Performance (First Offense)	5
5 27 605	C	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - August 13, 2001 and thereafter)	5
5 28 103	C	Abuse of Adults	5
+ 5 36 103	B	Theft of Property	5
+ 5 36 104	B	Theft of Services	5
+ 5 36 106	B	Theft by Receiving	5
+ 5 36 202	B	Theft of Public Benefits >\$2,500	5
+ 5 36 303	B	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 304	B	Theft - Wireless Services, Facilitating (Offense date - August 1, 1997 and thereafter)	5
+ 5 37 201	B	Forgery I	5
+ 5 37 302	B	Hot Check/Personal Services >\$2,500	5
5 38 301	B	Arson (< \$20,000 Damage) (Offense date - prior to August 1, 1997)	5
5 38 301	B	Arson (>\$5000 < \$15,000 Damage) (Offense date - August 1, 1997 and thereafter)	5
+ 5 39 201	C	Burglary - Commercial	5
5 54 105	B	Hindering Apprehension or Prosecution	5
5 54 107	B	Compounding	5
5 54 119	B	Furnishing Prohibited Articles	5
+ 5 54 120	C	Failure to Appear	5
5 54 125	C	Fleeing in Car with Serious Injury	5
5 64 401.2	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >28 gms <400 gms	5
5 64 401.3	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >200 gms <400 gms	5
5 64 401.5	B	Manufacture/Delivery/Possession Marijuana > 10 lbs < 100 lbs (Offense date - July 28, 1995 and thereafter)	5
5 64 403	B	Delivery Drug Paraphernalia to Anyone <18	5
5 64 1301	B	Possession of Anhydrous Ammonia in Unlawful Container (Offense date - July 30, 1999 and thereafter)	5
5 73 103	B	Possession Firearm by Certain Persons (Prior crime violent <u>or</u> present use to commit crime. Offense date - July 28, 1995 and thereafter)	5
5 73 103(c)	B	Possession Firearm by Certain Persons (Offense date - August 31, 2001 and thereafter)	5
5 73 104	B	Criminal Use of Prohibited Weapons	5
5 73 108	B	Criminal in Possession of Explosives	5
5 73 129	B	Furnishing Deadly Weapon to Felon (Offense date October 10, 1994 and thereafter)	5
5 73 132 (Sup pp. 75)	B	Sale, Rental, or Transfer of Firearm to Prohibited Person (Offense date - July 30, 1999 and thereafter)	5

5 74 104	B	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	5
5 74 105	B	Unauthorized Use Property to Facilitate Crime	5
5 74 108	C	Violent Group Activity, Enhanced	5
8 7 204	U	Release of Hazardous Waste	5

LEVEL 4

5 10 105	C	Negligent Homicide (Offense date - July 30, 1999 and thereafter)	4
5 10 105	D	Negligent Homicide (Offense date - prior to July 30, 1999)	4
5 11 103	C	False Imprisonment I	4
5 11 105	C	Vehicular Piracy	4
5 13 202	D	Battery II	4
5 14 105	D	Carnal Abuse II (Offense date - prior to July 28, 1995)	4
5 14 126	C	Sexual Assault, Third Degree (Offense date - August 13, 2001 and thereafter)	4
5 14 120	C	Violation of a Minor I (Offense date - prior to August 13, 2001)	4
5 26 302	D	Wife Battering II (Offense date - prior to July 28, 1995)	4
5 26 304	C	Domestic Battering II (Offense date - July 30, 1999 and thereafter)	4
5 26 304	D	Domestic Battering II (Offense date - July 28, 1995 and thereafter)	4
+ 5 26 401	B	Non-support if owe >\$25,000 (Offense date - August 1, 1997 and thereafter)	4
5 27 221	D	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	4
5 27 304	C	Transportation/Distribution of Material Depicting Child (First Offense)	4
5 27 502	B	Fraud ID Unlawful to Manufacture (Second Offense)	4
5 27 602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve Child (Offense date - August 13, 2001 and thereafter)	4
5 27 605	D	Computer Exploitation of a Child - Second Degree (Offense date - August 13, 2001 and thereafter)	4
5 28 103	D	Abuse of Adults	4
+ 5 36 115	B	Theft of Leased/Rented Property	4
* 5 38 205	C	Impairing Operation of Vital Public Facility	4

* 5 38 301	C	Arson (>\$2,500 < \$5,000 Damage) (Offense date August 1, 1997 and after)	4
+ 5 42 204	C	Criminal Use/Laundering Proceeds	4
5 51 202	U	Subversive Activities	4
5 51 203	B	Usurping Office	4
5 51 204	B	Usurping Government	4
+ 5 53 102	C	Perjury	4
+ 5 53 108	C	Witness Bribery	4
* 5 53 109	C	Intimidating a Witness	4
+ 5 53 111	D	Tampering With Physical Evidence	4
* 5 53 112	D	Retaliation against Certain Informants (Offense date August 1, 1997 and after)	4
+ 5 53 113	D	Juror Bribery	4
* 5 53 114	C	Intimidating a Juror	4
+ 5 53 115	D	Jury Tampering	4
5 54 104	C	Interfering With Law Enforcement Officer	4
* 5 54 105	C	Hindering Apprehension or Prosecution	4
5 54 110	C	Escape I	4
+ 5 54 113	C	Permitting Escape I	4
* 5 54 117	C	Furnishing Implement for Escape	4
* 5 54 119	C	Furnishing Prohibited Article	4
+ 5 54 121	C	Tampering With Court Records (Offense date - July 30, 1999 and thereafter)	4
5 54 127	B	Officer Failing to Execute Process	4
+ 5 55 103	B	Violation of Medicaid Fraud Act	4
5 64 401.1	B	Manufacture, Etc. Controlled Substance Schedule I/II/III <28 gms.	4
+ 5 64 401.2	C	Manufacture/Etc. Controlled Substance Schedule IV/V >200 gms <400 gms	4
+ 5 64 401.3	C	Manufacture/Etc. Controlled Substance Schedule IV/V >400 gms	4
+ 5 64 401.4	C	Possession of Controlled Substance Schedule I/II	4
+ 5 64 401.5	C	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - prior to July 28, 1995)	4
+ 5 64 401.6	C	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - prior to October 10, 1994)	4
5 71 204	B	Arming Rioter	4
5 71 229	C	Stalking Second Degree	4
5 73 109(b)	B	Furnishing Illegal Weapon to Minor (Offense date - October 10, 1994 and thereafter)	4
* 5 73 119	D	Possession of Firearm on Public School Property or Bus (Offense date - July 30, 1999 and thereafter)	4
5 74 104	C	Engaging in Continuing Gang Org. or Enterprise (Second Degree)	4
5 74 203	C	Soliciting a Minor to Join a Gang (First Offense) (Offense date - October 10, 1994 and thereafter)	4
+13 6 408	C	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	4

+ 23 39 104	B	False Security Statement	4
+ 23 42 507	B	Securities Fraud	4

LEVEL 3

3 3 202	U	Alcoholic Beverage to Minor (Second Offense)	3
+ 3 3 202	C	Sale of Alcoholic Beverage to Minor (New, Second Offense Within 5 year)	3
5 11 106	D	Permanent Detention	3
5 13 204	D	Aggravated Assault	3
5 13 210	C	Intro Controlled Substance into Body (Schedule IV-V)	3
5 13 211	D	Aggravated Assault on Correction Officer (Offense date - August 1, 1997 and thereafter)	3
5 14 106	D	Carnal Abuse III (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	3
5 14 110	D	Sexual Solicitation of a Child (Offense date July 28, 1995 and thereafter)	3
5 14 110	D	Sexual Indecency with a Child (Offense date - August 13, 2001 and thereafter)	3
5 14 121	D	Violation of a Minor II (Offense date - prior to August 13, 2001)	3
* 5 16 101	D	Video Voyeurism (Offense date - July 30, 1999 and thereafter)	3
5 17 101	D	Death Threat Concerning School Employee Or Student (Offense date - August 13, 2001 and thereafter)	3
5 26 304	D	Aggravated Assault on Wife I (Offense date - prior to July 28, 1995)	3
5 26 305	D	Domestic Battering III (Second Offense) (Offense date - July 28, 1995 and thereafter)	3
5 26 305	D	Domestic Battering III (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
5 26 306	D	Aggravated Assault on Family/Household Member (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 401	C	Non-Support if owe > \$10,000, <\$25,000 (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support if owe >\$2,500; if at least 4 Months of Support (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support (Offense date - prior to July 30, 1999)	3
+ 5 26 502	C	Interference with Custody (Offense date - July 28, 1995 and thereafter)	3
+ 5 26 502	D	Interference with Custody (Offense date - prior to July 28, 1995)	3
+ 5 26 502	D	Interference with Court Ordered Custody (Offense date - July 28, 1995 and thereafter)	3
5 27 201	D	Endangering Welfare of Incompetent I	3

5 27 203	D	Endangering Welfare of a Minor I	3
+ 5 27 229	D	Soliciting Money/Property from Incompetent	3
+ 5 27 502	C	Fraud ID Unlawful to Manufacture (First Offense)	3
+ 5 36 103	C	Theft of Property (Offense date - prior to July 28, 1995)	3
+ 5 36 103	C	Theft of Property >\$500 (Offense date - July 28, 1995 and thereafter)	3
+ 5 36 103	D	Theft of Property During a Period of Emergency (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 104	C	Theft of Services	3
+ 5 36 106	C	Theft by Receiving	3
+ 5 36 115	C	Theft of Leased/Rented Property	3
+ 5 36 202	C	Theft of Public Benefits >\$200 <\$2500	3
+ 5 36 303	C	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	3
+ 5 36 304	C	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	3
+ 5 37 201	C	Forgery II	3
+ 5 37 207	C	Fraudulent Use of a Credit Card	3
+ 5 37 209	C	Possession of Forgery Device	3
+ 5 37 227	D	Financial Identity Fraud (Offense date - July 30, 1999 and thereafter)	3
+ 5 37 302	C	Hot Check/Personal Services (>\$200 <\$2,500)	3
5 37 502	B	Marking/Altering Brand of Animal	3
+ 5 38 203	C	Criminal Mischief I	3
* 5 38 301	D	Arson (>\$500 < \$2,500 Damage) (Offense date - August 1, 1997 and thereafter)	3
+ 5 39 202	D	Breaking or Entering	3
+ 5 41 202	C	Unlawful Acts Regarding Computers - Damage > \$500 (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 203	C	Unlawful Interference with Access to Computers (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 204	D	Unlawful Use of Encryption (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 205	D	Unlawful Acts Involving Electronic Mail (Offense date - August 13, 2001 and thereafter)	3
+ 5 52 103	D	Public Servant Bribery	3
* 5 54 105	D	Hindering Apprehension or Prosecution	3
+ 5 54 107	C	Compounding	3
5 54 116	C	Aiding Unauthorized Departure	3
* 5 54 117	D	Furnishing Implement for Escape	3
* 5 54 118	C	Furnishing Implement for Unauthorized Departure	3
5 54 125	D	Fleeing with Serious Injury	3
5 54 125	D	Fleeing in Vehicle Causing Danger (Offense date - July 28, 1995 and thereafter)	3
+ 5 54 127	C	Officer Failing to Execute Process	3
+ 5 55 103	C	Violation of Medicaid Fraud Act	3

+ 5 64 401	C	Possession Control/Counterfeit Substance W/O Prescription (Third Offense)	3
+ 5 64 401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V <200 gms	3
+ 5 64 401.7	C	Manufacture/Delivery/Possession Marijuana <10 lbs	3
+ 5 64 401.9	C	Possession/Etc. Counterfeit Substance w/Intent Schedule I-V	3
+ 5 64 403	C	Delivery/Possession/Manufacture, Etc Drugs	3
+ 5 64 415	D	Drug Precursors	3
+ 5 64 417	C	Communication Facility, Illegal Use of	3
+ 5 64 802	C	Conduct Illegal Drug Paraphernalia Business (Third Offense)	3
+ 5 64 1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc w/Intent To Manufacture (Offense date - August 13, 2001 and thereafter)	3
+ 5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)	3
5 70 104	D	Promoting Prostitution (First Degree)	3
5 71 202	D	Aggravated Riot	3
5 71 203	D	Inciting Riot	3
* 5 71 210	D	Communicating False Alarm to an Educational Institution (Offense date - August 13, 2001 and thereafter)	3
+ 5 71 215	C	Defacing Objects of Public Respect Damage > \$2,500	3
5 71 302	C	Promoting Civil Disorder (First Degree)	3
5 73 103	B	Possession Firearm by Certain Persons (Offense date - October 10, 1994-July 28, 1995; <u>no</u> Class D during this period)	3
5 73 104	D	Criminal Use of Prohibited Weapons	3
* 5 73 119	D	Possession of Handgun on Public School Property or Bus (Offense date - prior to July 30, 1999)	3
* 5 73 122	D	Possessing Handgun in Courtroom (Offense date - August 1, 1997 and thereafter)	3
5 73 131	D	Possession of Weapon by Incarcerated Person (Offense date - July 28, 1995 and thereafter)	3
5 74 108	D	Violent Group Activity Enhanced	3
8 7 204	U	Hazardous Waste/Violation of Provisions	3
+ 9 9 206	C	Accepting Compensation for Adoption	3
+12 12 504	D	False Allegations of Child Abuse (Second Offense) (Offense date - August 1, 1997 and thereafter)	3
+13 6 406	C	Trading or Collecting Skeletal Remains (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+13 6 407	C	Display of Skeletal Remains (Offense date - July 30, 1999 and thereafter)	3
+13 6 408	C	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	3
23 39 105	B	Violate Mortgage Loan Co/Loan Broker Act	3
+23 40 106	D	Failure to Deposit Funeral Trust Funds (Offense date - July 30, 1999 and thereafter)	3
+23 66 502	C	Fraudulent Insurance Act (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3

LEVEL 2

+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
4 90 201	U	Odometer Fraud (Offense date - July 28, 1995 and thereafter)	2
5 13 301	D	Terroristic Threatening I	2
5 14 112	D	Indecent Exposure to Person <12 (Offense date - August 1, 1997 and thereafter)	2
5 14 112	D	Indecent Exposure, (Second and Subsequent Offense (Offense date - August 13, 2001 and thereafter)	2
5 26 203	D	Concealing Birth (Offense date- August 13, 2001 and thereafter)	2
+ 5 26 501	D	Interference with Visitation	2
+ 5 28 216	D	Making False Notification of Adult Abuse (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 5 36 103	D	Theft of Property	2
+ 5 36 103	D	Theft of Property During a Criminal Episode (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 105	D	Theft of Property Lost/Mislaid/Delivered by Mistake	2
+ 5 36 115	D	Theft of Leased/Rented Property	2
+ 5 36 401	D	Unlawful Use of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 402	D	Unlawful Possession of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 403	D	Unlawful Possession of Theft Detection Device Remover (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 404	D	Unlawful Removal of Theft Detection Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 37 208	D	Criminal Impersonation I (Offense date - August 1, 1997 and thereafter)	2
+ 5 37 403	D	Manufacture/Sale of De-scrambling Devices (Offense date - August 1, 1997 and thereafter)	2
+ 5 37 502	C	Marking/Altering Brand of Animal	2
5 38 202	D	Threatening to Cause a Catastrophe	2
+ 5 38 204	D	Criminal Mischief II	2
* 5 38 302	D	Reckless Burning	2
5 38 311	U	Setting Fire w/Intent to Let Escape	2
+ 5 39 401	D	Destroying or Taking Cemetery Marker (Offense date - August 1, 1997 and thereafter)	2
+ 5 41 206	D	Computer Password Disclosure (Offense date - August 13, 2001 and thereafter)	2
5 51 303	U	Intentional Injury to, Interference With Government Property	2
5 51 304	U	Intentional Defective Workmanship	2
+ 5 53 133	D	Approaching Jury Commissioner	2
+ 5 54 106	D	Aiding Consummation of Offense	2
+ 5 54 107	D	Compounding	2
* 5 54 111	D	Escape II	2
+ 5 54 121	D	Tampering With Public Record - Wrongdoing	2

+ 5 54 122	D	Filing False Report of Crime	2
5 54 125	D	Fleeing	2
		(Offense date - prior to July 28, 1995)	
5 54 126	D	Killing Animal Used by Law Enforcement Agency	2
* 5 54 127	D	Officer Failing to Execute Process	2
+ 5 54 131	D	Absconding	2
+ 5 55 104	D	Non-Maintenance of Medicaid Records	2
+ 5 56 101	D	Traffic in Illegal Food Coupons	2
5 61 101	D	Inducing Abortion W/O Medical License	2
5 61 102	U	Abortion	2
5 61 203	D	Performing Partial Birth Abortion	2
		(Offense date - August 1, 1997 and thereafter)	
+ 5 62 124	D	Bear Exploitation	2
+ 5 64 401	D	Possession Control/Counterfeit Substance W/O Prescription	2
		(Second Offense)	
+ 5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent	2
		Unclassified Schedule	
+ 5 64 402	D	Failure to Keep Records, Etc. Drugs	2
+ 5 64 403	D	Non-controlled Substance Rep as Class Control Substance	2
+ 5 64 802	D	Conduct Illegal Drug Paraphernalia Business	2
		(Second Offense)	
+ 5 64 1101	D	Possess > 5 grams Ephedrine	2
		(Offense date - August 1, 1997 and thereafter)	
+ 5 64 1102	D	Possess With Intent to Manufacture	2
		(Offense date - August 1, 1997 and thereafter)	
+ 5 66 115	D	Bribery of a Sports Participant	2
5 68 203	U	Sale or Possession of Obscene Film	2
5 68 303	D	Promoting Obscene Materials	2
5 68 304	D	Promoting Obscene Performance	2
5 68 305	C	Obscene Performance at Live Public Show	2
5 68 307	D	Public Display of Hardcore Sex Conduct	2
5 68 405	U	Sale/Distribution of Obscene Material	2
+ 5 71 210	D	Communicating False Alarm	2
5 71 211	D	Threatening A Fire Bombing	2
+ 5 71 215	D	Defacing Objects of Public Respect Damage >\$500 <\$2,500	2
5 72 109	U	Injuring Levee	2
5 73 103	D	Possession Firearm by Certain Persons	2
		(Offense date - prior to October 10, 1995, <u>no</u> Class B during this period)	
+ 5 73 103	D	Possession Firearm by Certain Persons	2
		(Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28, 1995, and thereafter)	
+ 5 73 106	D	Defacing a Firearm	2
+ 5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable	2
		(Offense date - July 28, 1995 and thereafter)	
* 5 73 119	D	Possession of Firearm by Juvenile Delinquent	2
		(Offense date - October 10, 1994 and thereafter)	
5 73 126	D	Booby Trap Unlawful to Install/Maintain	2

* 5 75 102	D	Aircraft DWI (Second Offense Within One Year)	2
+ 7 1 104	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
7 5 411	U	False Statements on Voting Affidavits (Offense date - August 1, 1997 and thereafter)	2
+ 7 5 702	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
+ 7 9 109	D	False Information on Petition Verification (Offense date - August 1, 1997 and thereafter)	2
8 4 201	U	Violate Law Regulating Pollution Control Commission	2
+11 9 106	D	Workers= Compensation Fraud (Employee Misrepresentation)	2
+11 9 107	D	Workers= Compensation Fraud (Employer Misrepresentation)	2
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 and thereafter)	2
12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 and thereafter)	2
+13 6 406	D	Trading or Collecting Skeletal Remains (Offense date - July 30, 1999 and thereafter)	2
+15 32 603	D	Timber Theft (Offense date - August 13, 2001 and thereafter)	2
+16 22 501	D	Unauthorized Practice of Law (Second Offense) (Offense date - August 1, 1997 and thereafter)	2
+16 84 114	D	Violation of Bail Bond Agent Law (Offense date - July 30, 1999 and thereafter)	2
+17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+18 29 204	D	Violation of "Unused Property" Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
+21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2
+23 42 507	D	Securities Fraud	2
+23 66 502	D	Fraudulent Insurance Acts (Offense date - August 1, 1997 and thereafter)	2
23 69 134	U	Removal of Insurance Records (Offense date - July 30, 1999 and thereafter)	2
27 14 2212	U	Mutilating Serial Numbers, Vehicles	2
+27 52 102	D	Interfere With Traffic Control Device	2
27 53 101	D	Failure to Stop After Accident With Injury or Death	2
+27 116 502	C	Operating Aircraft Without Identification Markings	2

LEVEL 1

+ 2 17 204	D	Violation of Grain Warehouse	1
+ 3 3 402	D	Illicit Still	1
3 8 312	U	Alcoholic Beverage Sale/Possession Trade in Dry County	1
5 15 102	U	Slander-Adultery/Fornication	1
5 15 103	U	Slander-False Swearing	1
5 15 104	U	Slander-Proclaiming One as a Coward	1

5 15 105	U	Slander	1
+ 5 37 203	D	Defrauding Secured Creditors	1
+ 5 37 204	D	Fraud in Insolvency	1
+ 5 37 210	D	Obtaining Signature by Deception	1
+ 5 37 211	D	Defrauding Judgment Creditors	1
+ 5 37 212	C	Using Slugs - Over \$100	1
+ 5 37 213	D	Criminal Simulation	1
+ 5 37 502	D	Marking/Altering Brand of Animal	1
5 37 503	U	False Registration - Pedigree Animal	1
+ 5 37 524	D	Fraud in Acquire/Auth to Provide MV Trans	1
+ 5 37 525	D	Defrauding Material Man >\$5,000	1
5 39 211	U	Mining in a Cemetery	1
+ 5 41 103	D	Computer Fraud	1
+ 5 41 104	D	Computer Trespass (>\$2,500 Damage)	1
5 51 403	U	Communist Party Organization	1
+ 5 51 404	D	Failure to Register Communist Party Member/ Organization	1
		Overthrow Government	
+ 5 56 102	D	Illegal Use Etc. of Food Coupons	1
+ 5 56 103	D	Illegal Use of Food Coupons	1
5 60 101	D	Abuse of Corpse	1
5 60 111	D	Communicating False Alarm by Radio	1
+ 5 62 120	D	Dogfighting - (First Offense)	1
5 66 103	U	Keeping a Gambling House	1
+ 5 66 117	D	Unlawful Wagering on Horse Racing	1
+ 5 66 119	D	Promotion or Operation of Lottery	1
5 72 111	U	Making Cut-offs on the River	1
* 5 77 201	D	Illegal Purchase or Sale of Blue Lights	1
		(Offense date - August 1, 1997 and thereafter)	
+ 7 6 102	D	Person With Record Signing Political Pledge	1
7 6 104	U	Violate Political Practices Act	1
8 7 205	U	Leave/Remove Self After Violate HWM Act	1
12 12 212	U	Rept/Willful Release Unauthorized Person	1
+12 12 1008	D	Unauthorized Use of Criminal History	1
15 43 317	U	Killing Fish w/Intoxicant Stup Substance	1
+17 16 102	D	Unlicensed Athletic Agent	1
		(Offense date - July 30, 1999 and thereafter)	
17 20 103	U	Precious Metals, Violate Buyers Act	1
18 44 101	U	Failure to Discharge Lien	1
20 23 403	U	Failure to Inspect Boilers	1
		(Offense date - July 30, 1999 and thereafter)	
20 60 210	U	Failure to Label Narcotic	1
20 60 214	U	Sale/Disp Adulterated/Uninspected Meat	1
20 64 217	U	Fraud/Deceit Procure Narcotic	1
23 35 805	U	Spread False Report About Credit Union	1
26 18 202	U	Failure to Pay or File Tax Return	1
27 14 307	U	False Evidence Title or Registration	1
+27 53 103	D	Duty to Give Info or Render Aid	1

ADDENDUM TO SERIOUSNESS REFERENCE TABLE

A.C.A.16-90-803(b)(2)Offender History - provides that the criminal history score based upon prior felony criminal records is to be determined by reference to the seriousness level rankings of the prior offenses. Levels I - V are equal to one-half (.5) point and Levels VI - X are equal to one (1) point.

CRIMINAL HISTORY: OUT-OF-STATE CONVICTIONS

For the purpose of determining criminal history scores, prior felony convictions from other state jurisdictions shall be ranked at the level of the most comparable offense in this State. The determination of which Arkansas offense is comparable to the out-of-state offense when there is a question of fact or law, shall reside in the sound discretion of the court.

CRIMINAL HISTORY: REDEFINED OFFENSES

If an offense has been redefined by the Arkansas General Assembly, a prior felony conviction shall be ranked in the same manner as an out-of-state conviction with consideration of any new or removed elements. For example, the prior definition of burglary in Arkansas did not specify the element of the type of occupiable structure, i.e. residential or commercial, sentencing courts should determine when possible whether a prior conviction for burglary involved a residence in which case one criminal history point should be assigned as the prior offense is comparable to residential burglary (Level VI) or involved a commercial structure in which case one-half point should be assigned as the prior offense is comparable to commercial burglary (Level V).

OMITTED OFFENSES POLICY

If a felony offense has been inadvertently omitted from the seriousness reference table, the trial court shall exercise its discretion by designating a seriousness level which it believes to be appropriate.

