



ARKANSAS SENTENCING COMMISSION

Sentencing Standards Grid Offense Seriousness Rankings and Related Material

**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.*

Commission Membership

<u>Name</u>	<u>Classification</u>	<u>Judicial Circuit</u>
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Wanda Ford	Citizen Representative	(Conway)
David Clinger	Judge	Nineteenth (West)
Steve Dalrymple	Prosecuting Attorney	Eleventh (West)
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INTRODUCTION TO SENTENCING STANDARDS

Arkansas has joined a growing number of states and the federal government in adopting sentencing standards. Sentencing standards vary widely in purpose and application. The Arkansas standards defined in Acts 532 and 550 of 1993 serve the purposes of equity in sentencing, i.e. similar sentences for similar offenders with similar criminal histories and proportionality in sentencing by creating a balanced correctional system which reserves the most serious sanctions for the most serious offenders.

How the standards work.

The sentencing standards structure adopted in Arkansas is a voluntary procedure for use by those directly involved in sentencing - judges, prosecutors and defense attorneys. The **Arkansas Sentencing Standards Grid** has been adopted by the Arkansas Sentencing Commission pursuant to legislative authority and the Administrative Procedures Act. See Section I. It is applicable to crimes which occur on or after January 1, 1994. A **presumptive sentence** for a **typical case** is determined on a grid with two dimensions: **offense seriousness** and **offender history**.

Offense seriousness is determined by reference to a table adopted by the Commission which lists all felony crimes in one of ten levels of seriousness. See Section II. **Offender history** is determined by reference to the statute, A.C.A. 16-90-803 which allocates points for different levels of felonies, misdemeanors, certain juvenile adjudications and custody status at the time that a crime was committed.

Arkansas Code Annotated §16-90-803(b)(1)(C) states that “the most frequently occurring offenses within each seriousness level are listed on the vertical axis of the sentencing standards grid.” Because there is not sufficient space in the sentencing standards grid cells, individual pages representing each seriousness level of the standards grid have been included in this manual. Each page contains a list of the most frequently occurring offenses within that particular seriousness level. Please note that this list does not always represent a complete list of offenses for that seriousness level, only the most frequently occurring offenses. A complete list of offenses, with their applicable effective dates, may be found in the **Seriousness Rankings** section of this manual. Each page also contains the grid form with the presumptive sentence, minimum time to be served prior to transfer eligibility, and the presumptive range. The statutory range for classifications of offenses occurring with each seriousness level is also included on the individual grid pages.

Please note that Act 186 of 2005 removed the five percent (5%) range above or below the presumptive sentence. The **presumptive range** listed on the individual grid pages of this manual is applicable to those offenses committed prior to July 1, 2005, (the effective date for the Act).

Determining the **presumptive sentence** for a particular offense is a starting point for the process. The presumptive sentence is not intended to be the sentence in a particular case unless in the judgment of the prosecutor and the defense attorney and/or the judge, the offense represents a **typical case** based upon their experience and knowledge. If the case is non-typical, the procedure is defined for departing from the presumption. ***The full statutory range of punishment is available for all cases.***

Departure criteria and procedures are defined in the Code and the only requirement imposed for a departure from the presumptive sentence is that written reasons be provided by the parties to the court when there is an “agreed departure” from the presumptive sentence. The court shall attach the written reasons to the judgment and forward them to the Commission. A Departure Form is provided by the Commission which lists statutory **aggravating factors** and **mitigating factors** and a space for other reasons. See Section III. Departure criteria are not limited to those listed in the legislation.

Act 1179 of 2001, codified at A. C. A.16-90-803 (a)(1)(B), clarifies that sentencing guidelines do not apply to probation revocation proceedings. This legislation was enacted in response to the Arkansas Supreme Court’s decision in *Martin v. State*, 337 Ark. 451, 989 SW2d 908 (1999), finding that the guidelines did apply. Thus, departure reports are not required in revocation proceedings.

Sentencing Standards

Identical Acts 532 and 550 of 1993 created the Arkansas Sentencing Commission and authorized the creation of the Sentencing Standards Grid and Seriousness Rankings. These acts are codified as follows:

- 16-90-801 Statement of sentencing policy
 - (a) Purposes of Sentencing
 - (b) Purpose of Sentencing Standards
 - (c) Appropriate Use of Sentencing Sanctions
- 16-90-802 The Arkansas Sentencing Commission
 - (a) Purpose of Commission
 - (b) Composition
 - (c) Terms
 - (d) Powers and duties
 - (e) Meetings and reports
 - (f) Executive director
 - (g) Staff and services
- 16-90-803 Voluntary presumptive standards
 - (a) Applicability
 - (b) Offense seriousness and Offender History
- 16-90-804 Departures from the standards
 - (a) Deviation authority
 - (b) Procedures and authority
 - (c) Departure reasons
 - (d) Non-applicability to jury trials
 - (e) Effective date of guidelines

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Grid

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ARKANSAS SENTENCING STANDARDS GRID
 Effective Date - January 1, 1994, for Crimes Committed January 1, 1994 and thereafter

Criminal History Score

Offense Seriousness	0	1	2	3	4	5+
10**	PEN 360	PEN 384	PEN 432	PEN 528	PEN 660	PEN 780
9**	PEN 240	PEN 312	PEN 396	PEN 480	PEN 600	PEN 720
8** ¹	PEN 120	PEN 168	PEN 264	PEN 360	PEN 432	PEN 600
7 ¹	PEN 42 RCF* AS	PEN 54 RCF* AS	PEN 84 RCF* AS	PEN 120	PEN 160	PEN 300
6 ²	PEN 24 RCF* AS	PEN 42 RCF* AS	PEN 66 RCF* AS	PEN 108 RCF* AS	PEN 156	PEN 240
5	RCF* AS	PEN 36 RCF* AS	PEN 54 RCF* AS	PEN 72 RCF* AS	PEN 120	PEN 180
4	RCF* AS	PEN 18 RCF* AS	PEN 30 RCF* AS	PEN 54 RCF* AS	PEN 72 RCF* AS	PEN 96
3	RCF* AS	RCF* AS	PEN 18 RCF* AS	PEN 30 RCF* AS	PEN 42 RCF* AS	PEN 60 RCF* AS
2	RCF* AS	RCF* AS	RCF* AS	PEN 18 RCF* AS	PEN 24 RCF* AS	PEN 42 RCF* AS
1	AS	AS	AS	PEN 9 RCF* AS	PEN 24 RCF* AS	PEN 30 RCF* AS

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED TO THE ARKANSAS DEPARTMENT OF CORRECTION

PEN = Penitentiary Only RCF = Regional Correctional Facility AS = Alternative Sanctions
 (See Attached Definitions) (Please note: mitigated departure reports are not necessary when RCF and AS are available - shaded area on the grid.)

RCF* See Regional Correctional Facility Policy Statement

—— = Transfer Eligibility Line - Eligibility on sentences above the line is 1/2 of the sentence minus good time; eligibility on sentences below the line is 1/3 of the sentence minus good time.

**Check applicability of Act 1326 of 1995 for release eligibility of crimes at these levels.

¹See Act 1135 of 1997 and Act 1034 of 2005. ²See Act 1268 of 1999 and Act 1034 of 2005.

**ARKANSAS SENTENCING STANDARDS GRID
POLICY STATEMENTS**

Regional Correctional Facilities

Only defendants who have been found guilty of a "targeted" crime are eligible to be sentenced to a Regional Correctional Facility. Sentences to a Regional Correctional Facility should only be utilized for those who the Court would otherwise sentence to the Department of Correction. The Sentencing Commission strongly encourages local courts to utilize the services of the Regional Correctional Facilities in lieu of penitentiary time in appropriate cases.

Felony DWI

Current law provides a minimum of one (1) year of community service as the only alternative sanction available for DWI (felony). Incarceration sentences must be a minimum of a one (1) year (12 months) commitment to the Arkansas Department of Correction. No departure form is required.

Minimum Sentences

The Commission recognizes that the presumptive sentences recommended in some cells of the grid may fall below the minimum sentence to imprisonment for the classification of an offense, (Pursuant to A.C.A. 5-4-104). A court may sentence a defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment up to or over the minimum sentence.

Definitions

PEN - Commitment to the Arkansas Department of Correction .

RCF - Regional Correctional Facilities - multipurpose facilities encompassing security, punishment and services such that offenders can be housed therein when necessary but can also be assigned to or access punishment programs and services which are housed there, included therein are revocation centers, restitution centers, work release centers, Community Correction centers.

AS - Alternative Sanctions - includes (1) probation, both supervised and unsupervised; (2) suspended imposition of sentence; (3) work on service programs coupled with or without (1) or (2) above; (4) local jail time up to the maximum authorized by law as a condition of (1) or (2) above; (5) Community Correction programs as defined and provided by the Board of Corrections or by local courts as conditions of (1) or (2) above.

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
Minimum Time Served Prior to Release per Act 1326 of 1995	PEN 168	PEN 218.40	PEN 277.20	PEN 336	PEN 420	PEN 504
Minimum Time Served Prior to Transfer Eligibility	PEN 60	PEN 78	PEN 99	PEN 120	PEN 150	PEN 180
Presumptive Range (Prior to July 1, 2005)	PEN 228-252	PEN 296.40- 327.60	PEN 376.20- 415.80	PEN 456-504	PEN 570-630	PEN 684-756

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1326 of 1995 Crimes:

5 14 103 Y Rape
5 38 202 Y Causing a Catastrophe(Offense date prior to July 16, 2003)

Release Eligibility - seventy percent (70%) of time imposed per Act 1326 of 1995 with no credit for good time.

Other Level 9 offenses: See Seriousness Reference Table for effective dates.

5 10 101 Y Capital Murder - Attempt
5 10 101 A Capital Murder - Conspiracy/Solicitation
5 10 103 A Murder II
5 13 210 Y Introduction of C/S into Body to Commit Sexual Offense
5 13 310 Y Terroristic Act
5 54 202 Y Providing Material Support for a Terrorist Act
5 64 414 Y Continuing Criminal Enterprise
5 74 107 Y Discharge of a Firearm From Car (First Degree)
5 74 108 Y Violent Group Activity, Enhanced

Transfer Eligibility - one half of time imposed minus good time of up to one half, i.e. one fourth of time imposed if offender earns maximum good time.

Classification of crimes at this level and statutory range (shown in years):

<u>Class</u>	<u>Normal range</u>	<u>Habitual</u>	<u>Habitual</u>	<u>Habitual</u>	<u>Habitual</u>
		<u>§(a)</u>	<u>§(b)</u>	<u>§(c)</u>	<u>§(d)</u>
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life
A	6-30	6-50	6-60	n/a	40-life

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
Minimum Time Served Prior to Release per Act 1326 of 1995 and Act 1135 of 1997	PEN 84	PEN 117.60	PEN 184.80	PEN 252	PEN 302.40	PEN 420
Minimum Time Served Prior to Transfer Eligibility	PEN 30	PEN 42	PEN 66	PEN 90	PEN 108	PEN 150
Presumptive Range (Prior to July 1, 2005)	PEN 114-126	PEN 159.60-176.40	PEN 250.80-277.20	PEN 342-378	PEN 401.40-453.60	PEN 570-630

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1326 of 1995 Crimes:

Act 1135 of 1997 and Act 1034 of 2005

(A.C.A. 16-93-611(a))

5 11 102	Y	Kidnapping	5-64-401	Y	Manufacture
5 12 103	Y	Aggravated Robbery			Methamphetamine

Release Eligibility - seventy percent (70%) of time imposed with no credit for good time.

Other Level 8 offenses(list not complete, see table for additional offenses): See Seriousness Reference Table for effective dates.

5 10 103	B	Murder II
5 13 201	B	Battery I
5 13 310	Y	Terroristic Act
5 26 301	B	Wife Battering I
5 38 301	Y	Arson (More Than \$100,000 Damage)
5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II > 200 gms < 400 gms
5 64 401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II > 400 gms
5 64 406	Y	Distribution of Controlled Substance to a Minor
5 73 211	U	Perpetrating Crime with Machine Gun [See statute for penalty range]
5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (First Degree)
5 74 106	Y	Simultaneous Possession of Drugs and Firearms
5 74 108	A	Violent Group Activity, Enhanced

Transfer Eligibility - one half of time imposed minus good time of up to one half, i.e. one fourth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life
A	6-30	6-50	6-60	n/a	40-life
B	5-20	5-30	5-40	40-80 or life	30-60

SERIOUSNESS LEVEL 7
Effective Date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 42 RCF* AS	PEN 54 RCF* AS	PEN 84 RCF* AS	PEN 120	PEN 160	PEN 300
Minimum Time Served Prior to Transfer per Act 1135 of 1997	PEN 29.40	PEN 37.80	PEN 58.80	PEN 84	PEN 112	PEN 210
Minimum Time Served Prior to Transfer Eligibility	PEN 10.5	PEN 13.5	PEN 21	PEN 30	PEN 40	PEN 75
Presumptive Range (Prior to July 1, 2005)	PEN 39.90 - 44.10	PEN 51.30 - 56.70	PEN 79.80 - 88.20	PEN 114-126	PEN 152-168	PEN 285-315

AS = Alternative Sanctions

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1135 of 1997 crime

5-64-401 Y Manufacture Methamphetamine

Release Eligibility - seventy percent (70%) of time imposed with credit for good time (see Act 1034 of 2005).

Other Level 7 offenses (list not complete, see table for additional offenses): See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 12 102	B	Robbery
5 13 210	Y	Intro C/S into Body (Schedule I-II)
5 14 123	A	Knowingly Exposing Another to HIV
5 14 124	A	Sexual Assault, First Degree
5 38 301	A	Arson (\$20,001 - \$100,000 Damage)
5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II < 28 gms
5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II > 28 gms < 200 gms
5 64 402	B	<u>Failure to Keep Records-Drug Free Zone</u>
5 73 204	U	Violation Uniform Machine Gun Act [See statute for penalty range]
5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (First Degree)
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise (Second Degree)
5 74 107	B	Discharge of a Firearm From Car (Second Degree)
5 74 108	B	Violent Group Activity, Enhanced

Transfer Eligibility - one half of time imposed minus good time of up to one half, i.e. one fourth of time imposed if offender earns maximum good time.

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
Y	10-40 or life	10-60 or life	10-life	40-80 or life	life
A	6-30	6-50	6-60	n/a	40-life
B	5-20	5-30	5-40	40-80 or life	30-60

SERIOUSNESS LEVEL 6
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	PEN 24 RCF* AS	PEN 42 RCF* AS	PEN 66 RCF* AS	PEN 108 RCF* AS	PEN 156	PEN 240
Minimum Time Served Prior to Transfer per Act 1268 of 1999	PEN 16.80	PEN 29.40	PEN 46.20	PEN 75.60	PEN 109.20	PEN 168
Minimum Time Served Prior to Transfer Eligibility	PEN 4	PEN 7	PEN 11	PEN 18	PEN 26	PEN 40
Presumptive Range (Prior to July 1, 2005)	PEN 22.80- 25.20	PEN 39.90- 44.40	PEN 62.70- 69.30	PEN 102.60- 113.40	PEN 148.20- 163.80	PEN 228-252

AS = Alternative Sanctions, RCF = Regional Correctional Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Act 1268 of 1999 Crime

5-64-403

B

Use of Paraphernalia to Manufacture Methamphetamine

Release Eligibility - seventy percent (70%) of time imposed with credit for good time, including Regional Correctional Facilities (see Act 1034 of 2005).

Level 6 offenses (list not complete, see table for additional offenses): See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 10 104	C	Manslaughter
5 11 102	B	Kidnapping
5 14 125	B	Sexual Assault, Second Degree
5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense)
5 27 402	B	Employ/Authorize Child < 17 Sexual Performance -(Subsequent Offense)
5 27 403	B	Produce/Direct Sexual Performance Child < 17
5 28 103	B	Abuse of Adults
5 39 201	B	<u>Burglary - Residential</u>
5 51 201	A	Treason
5 64 401	B	<u>Possession/Etc. Counterfeit Substance w/Intent - Schedule I - II</u>
5 64 401.4	B	<u>Manufacture/Etc. Controlled Substance Schedule I/II/III > 400 gms</u>
5 71 229	B	Stalking First Degree
5 74 104	B	Engaging in Continuing Gang Organize or Enterprise (First Degree)
5 74 104	A	Engaging in Continuing Gang Organize or Enterprise (Second Degree)

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
A	6-30	6-50	6-60	n/a	40-life
B	5-20	5-30	5-40	40-80 or life	30-60
C	3-10	3-20	3-30	n/a	25-40

**ARKANSAS SENTENCING STANDARDS GRID
SERIOUSNESS LEVEL 5
Effective January 1, 1994**

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RCF* AS	PEN 36 RCF* AS	PEN 54 RCF* AS	PEN 72 RCF* AS	PEN 120 RCF* AS	PEN 180
Minimum Time Served Prior to Transfer Eligibility		PEN 6	PEN 9	PEN 12	PEN 20	PEN 30
Presumptive Range (Prior to July 1, 2005)		PEN 34.20- 37.80	PEN 51.30- 56.70	PEN 68.40- 75.60	PEN 114-126	PEN 171-189

AS = Alternative Sanctions, RCF = Regional Correctional Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 5 offenses (list not complete, see table for additional offenses). See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 26 202	C	Incest
5 27 605	C	Computer Exploitation of a Child - First Degree
5 36 103	B	<u>Theft of Property</u>
5 36 104	B	<u>Theft of Services</u>
5 36 106	B	<u>Theft by Receiving</u>
5 37 201	B	<u>Forgery I</u>
5 37 302	B	<u>Hot Check/Personal Services (Over \$2500)</u>
5 38 301	B	Arson (Less Than \$20,000 Damage)
5 39 201	C	<u>Burglary - Commercial</u>
5 54 105	B	Hindering Apprehension or Prosecution
5 54 120	C	<u>Failure to Appear</u>

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
B	5-20	5-30	5-40	40-80 or life	30-60
C	3-10	3-20	3-30	n/a	25-40

SERIOUSNESS LEVEL 4
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RCF* AS	PEN 18 RCF* AS	PEN 30 RCF* AS	PEN 54 RCF* AS	PEN 72 RCF* AS	PEN 96
Minimum Time Served Prior to Transfer Eligibility		PEN 3	PEN 5	PEN 9	PEN 12	PEN 16
Presumptive Range (Prior to July 1, 2005)		PEN 17.10-18.90	PEN 28.50-31.50	PEN 51.30-56.70	PEN 68.40-75.60	PEN 91.20-100.80

AS = Alternative Sanctions, RCF = Regional Correctional Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 4 offenses (list not complete, see table for additional offenses). See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 10 105	C	Negligent Homicide
5 10 105	D	Negligent Homicide
5 11 103	C	False Imprisonment I
5 13 202	D	Battery II
5 14 126	C	Sexual Assault, Third Degree
5 53 102	C	<u>Perjury</u>
5 54 110	C	Escape I
5 64 401.4	C	<u>Possession of Controlled Substance Schedule I/II</u>
5 64 401.5	C	<u>Manufacture/Delivery/Possession Marijuana > 10 lbs < 100 lbs</u>

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
C	3-10	3-20	3-30	n/a	25-40
D	0- 6	0-12	0-15	n/a	20-40

SERIOUSNESS LEVEL 3
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RCF* AS	RCF* AS	PEN 18 RCF* AS	PEN 30 RCF* AS	PEN 42 RCF* AS	PEN 60 RCF* AS
Minimum Time Served Prior to Transfer Eligibility			PEN 3	PEN 5	PEN 7	PEN 10
Presumptive Range (Prior to July 1, 2005)			PEN 17.10- 18.90	PEN 28.50- 31.50	PEN 39.90- 44.10	PEN 57-63

AS = Alternative Sanctions, RCF = Regional Correctional Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 3 offenses (list not complete, see table for other offenses). See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 13 204	D	Aggravated Assault
5 26 401	D	<u>Non-Support</u>
5 36 103	C	<u>Theft of Property</u>
5 36 104	C	<u>Theft of Services</u>
5 36 106	C	<u>Theft by Receiving</u>
5 36 115	C	<u>Theft of Leased/Rented Property</u>
5 37 201	C	<u>Forgery II</u>
5 37 207	C	<u>Fraudulent Use of a Credit Card</u>
5 37 302	C	<u>Hot Check/Personal Services</u> (\$200 - \$2500)
5 38 203	C	<u>Criminal Mischief I</u>
5 39 202	D	<u>Breaking or Entering</u>
5 64 401	C	<u>Possession Control/Counterfeit Subst W/O Prescription (Third Offense)</u>
5 64 401.7	C	<u>Manufacture/Delivery/Possession Marijuana < 10 lbs</u>
5 65 103	U	<u>DWI, Violation of Omnibus Act</u> [See statute for penalty range] <u>(Fourth Offense)</u> [RCF by judicial transfer only]

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
C	3-10	3-20	3-30	n/a	25-40
D	0- 6	0-12	0-15	n/a	20-40

SERIOUSNESS LEVEL 2
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	RCF* AS	RCF* AS	RCF* AS	PEN 18 RCF* AS	PEN 24 RCF* AS	PEN 42 RCF* AS
Minimum Time Served Prior to Transfer Eligibility				PEN 3	PEN 4	PEN 7
Presumptive Range (Prior to July 1, 2005)				PEN 17.10- 18.90	PEN 22.80- 25.20	PEN 39.90- 44.10

AS = Alternative Sanctions, RCF = Regional Correctional Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 2 offenses (list not complete, see table for other offenses): See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 13 301	D	Terroristic Threatening I
5 38 204	D	<u>Criminal Mischief II</u>
5 41 206	D	<u>Computer Password Disclosure</u>
5 54 111	D	<u>Escape II</u>
5 73 103	D	<u>Possession Firearm by Certain Persons</u>
27 53 101	D	Failure to Stop After Accident With Injury or Death

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
D	0- 6	0-12	0-15	n/a	20-40

SERIOUSNESS LEVEL 1
Effective date January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	AS	AS	AS	PEN 9 RCF* AS	PEN 24 RCF* AS	PEN 30 RCF* AS
Minimum Time Served Prior to Transfer Eligibility				PEN 1.50	PEN 4	PEN 5
Presumptive Range (Prior to July 1, 2005)				PEN 8.55- 9.45	PEN 22.80- 25.20	PEN 28.50- 31.50

AS = Alternative Sanctions, RCF = Regional Correctional Facilities

PEN = Penitentiary Only

ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Level 1 offenses (not all offenses listed, see table for other offenses): See Seriousness Reference Table for effective dates. Target Offenses underlined - see grid policy on use of Regional Correctional Facilities

5 37 203	D	<u>Defrauding Secured Creditors</u>	
5 37 211	D	<u>Defrauding Judgment Creditors</u>	
5 37 525	D	<u>Defrauding Material Man > \$5000</u>	
5 41 103	D	<u>Computer Fraud</u>	
5 56 102	D	<u>Illegal Use of Food Coupons</u>	
5 56 103	D	<u>Illegal Presentation of Food Coupons</u>	
5 66 103	U	Keeping a Gambling House	[See statute for penalty range]

Transfer Eligibility - one third of time imposed minus good time of up to one half, i.e. one sixth of time imposed if offender earns maximum good time

Classification of crimes at this level and statutory range (shown in years):

Class	Normal range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
D	0- 6	0-12	0-15	n/a	20-40

Seriousness Rankings

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SHORT TABLE OF COMMON CRIMES

+ Target offense

*Possible target offense

Target designations are made to be helpful - refer to Acts 531 of 1993 and 577 of 1995 for legal definitions.

#Serve 70% - see Act 1326 of 1995 ##Manufacturing methamphetamine will serve 70% See Act 1135 of 1997

[2,3] "Two and three strikes" law applicable, see A.C.A.5-4-501.

<u>Statute #</u>	<u>Class</u>	<u>Name of Crime</u>		<u>Ranking</u>
# 5 10 102	Y	Murder I	[2,3]	10
5 10 103	A	Murder II	[2,3]	9@
5 10 104	C	Manslaughter		6
5 10 105	C	Negligent Homicide		4@
5 10 105	D	Negligent Homicide		4@
# 5 11 102	Y	Kidnapping	[2,3]	8
5 12 102	B	Robbery		7
# 5 12 103	Y	Aggravated Robbery	[2,3]	8
5 13 201	B	Battery I	[3]	8
5 26 303	B	Domestic Battering I	[3]	8@
5 13 202	D	Battery II		4
5 13 204	D	Aggravated Assault		3
5 13 301	D	Terroristic Threatening I		2
5 13 310	Y	Terroristic Act	[3]	8
# 5 14 103	Y	Rape	[2,3]	9
5 14 120	C	Violation of a Minor I	[3]	4@
5 14 124	A	Sexual Assault, First Degree		7@
5 14 125	B	Sexual Assault, Second Degree		6@
+ 5 36 103	B	Theft of Property		5
+ 5 36 103	C	Theft of Property		3
+ 5 36 106	B	Theft by Receiving		5
+ 5 36 106	C	Theft by Receiving		3
+ 5 37 201	C	Forgery II		3
+ 5 37 302	B	Hot Check/Personal Services(> \$2,500)		5
+ 5 37 302	C	Hot Check/Personal Services(>\$200-<\$2,500)		3
+ 5 38 203	C	Criminal Mischief I		3
5 38 301	B	Arson (< \$20,000 Damage)		5
* 5 39 201	B	Burglary - Residential		6@
+ 5 39 201	C	Burglary - Commercial		5
+ 5 39 202	D	Breaking or Entering		3
+ 5 54 120	C	Failure to Appear		5
5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent - Schedule I - II		6
+ 5 64 401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V <200 gms		3
## 5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms		7
+ 5 64 403	C	Delivery/Possession/Manufacture, Etc Drugs		3
+ 5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)		3
5 73 103	B	Possession Firearm by Certain Persons		5@
+ 5 73 103	D	Possession Firearm by Certain Persons		2@

@ See complete table listing for effective offense dates.

OFFENSE SERIOUSNESS RANKING TABLE
FOR ALL CRIMINAL OFFENSES
(IN STATUTORY NUMERICAL ORDER)

+ Target offense *Possible target offense

Target designations are made to be helpful - refer to Acts 531 of 1993 and 577 of 1995 for legal definitions.

#Serve 70% - see Act 1326 of 1995. ##Manufacturing methamphetamine will serve 70% See Act 1135 of 1997 and Act 1268 of 1999

<u>Statute #</u>	<u>Class</u>	<u>Name of Crime</u>	<u>Ranking</u>
+ 2 17 204	D	Violation of Grain Warehouse	1
3 3 202	B	Furnishing Alcoholic Beverage to Minor (Second Offense within 3 Years and Minor's Motor Vehicle Accident Results in Death) (Offense date - August 12, 2005 and thereafter)	6
3 3 202	C	Furnishing Alcoholic Beverage to Minor (First Offense if Minor's Motor Vehicle Accident Results in Death) (Offense date - August 12, 2005 and thereafter)	4
+ 3 3 202	C	Furnishing Alcoholic Beverage to Minor (Second Offense within 3 Years and Damage from Minor's Motor Vehicle Accident > \$500) (Offense date - August 12, 2005 and thereafter)	4
+ 3 3 202	D	Furnishing Alcoholic Beverage to Minor (Second Offense within 3 Years) (Offense date - August 12, 2005 and thereafter)	3
+ 3 3 202	D	Furnishing Alcoholic Beverage to Minor (First Offense if Damage from Minor's Motor Vehicle Accident > \$500) (Offense date - August 12, 2005 and thereafter)	2
+ 3 3 202	U	Alcoholic Beverage to Minor (Second Offense) (Offense date - Prior to August 12, 2005)	3
+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
+ 3 3 202	C	Sale of Alcoholic Beverage to Minor (New, Second Offense W/I 5 year)	3
+ 3 3 402	D	Illicit Still	1
+ 3 8 209	D	Sale or Furnishing Place for Sale in dry Territory (Offense date - July 30, 2006 and thereafter)	1
+ 3 8 312	U	Alcoholic Beverage Sale/Possession Trade in Dry County	1
+ 4 56 102	C	Unlawful Acts Relating to Secured Interests on Farm Products (Offense date - July 30, 2006 and thereafter)	3
+ 4 59 301	D	Issuance of Bill for Goods Not Received (Offense date - July 30, 2006 and thereafter)	2
+ 4 90 201	U	Odometer Fraud (Offense date - July 28, 1995 and thereafter)	2
5 10 101	Y	Capital Murder - Attempt to Commit (Offense date - August 12, 2005 and thereafter)	9
5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation (Attempt to Commit Offense date - Prior to August 12, 2005)	9

#	5 10 102	Y	Murder I	10
	5 10 103	A	Murder II (Offense date - August 12, 2005 and thereafter)	9
	5 10 103	B	Murder II (Offense date - Prior to August 12, 2005)	8
	5 10 104	C	Manslaughter	6
	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 10 106	C	Physician-assisted suicide (Offense date - July 30, 1999 and thereafter)	5
#	5 11 102	Y	Kidnapping	8
	5 11 102	B	Kidnapping	6
	5 11 103	C	False Imprisonment I	4
	5 11 105	B	Aircraft Piracy	5
	5 11 105	C	Vehicular Piracy	4
	5 11 106	B	Permanent Detention	5
	5 11 106	D	Permanent Detention	3
	5 11 108	A	Human Trafficking (Offense date - August 12, 2005 and thereafter)	8
	5 12 102	B	Robbery	7
#	5 12 103	Y	Aggravated Robbery	8
	5 13 201	B	Battery I	8
	5 13 202	D	Battery II	4
	5 13 204	D	Aggravated Assault	3
	5 13 210	Y	Intro C/S into Body (Schedule I-II)	7
	5 13 210	Y	Intro C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and after)	9
	5 13 210	B	Intro C/S into Body (Schedule I-III)	5
	5 13 210	C	Intro C/S into Body (Schedule IV-V)	3
	5 13 211	D	Aggravated Assault of Corrections Officer (Offense date - August 1, 1997 and thereafter)	3
	5 13 301	D	Terroristic Threatening I	2
	5 13 310	Y	Terroristic Act (Offense date - Prior to August 12, 2005)	8
	5 13 310	Y	Terrorist Act (Offense date - August 12, 2005 and thereafter)	9
	5 13 310	B	Terroristic Act	5
#	5 14 103	Y	Rape	9
	5 14 104	A	Carnal Abuse I (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	6
	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 14 105	D	Carnal Abuse II (Offense date - prior to July 28, 1995)	4

5 14 106	D	Carnal Abuse III (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	3
5 14 108	C	Sexual Abuse I (Offense date - prior to August 13, 2001)	5
5 14 110	D	Sexual Indecency with a Child (Offense date - August 12, 2005 and thereafter)	4
5 14 110	D	Sexual Indecency with a Child (Offense date - August 13, 2001 - August 11, 2005)	3
5 14 110	D	Sexual Solicitation of a Child (Offense date - July 28, 1995 and thereafter)	3
5 14 112	D	Indecent Exposure, (Second and Subsequent Offense (Offense date - August 13, 2001 and thereafter)	2
5 14 112	D	Indecent Exposure to Age 12 and under (Offense date - August 1, 1997 and thereafter)	2
5 14 120	C	Violation of a Minor I (Offense date - prior to August 13, 2001)	4
5 14 121	D	Violation of a Minor II (Offense date - prior to August 13, 2001)	3
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - August 13, 2001 and thereafter)	7
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - Prior to August 13, 2001)	6
5 14 124	A	Sexual Assault, First Degree (Offense date - August 13, 2001 and thereafter)	7
5 14 125	B	Sexual Assault, Second Degree (Offense date - August 13, 2001 and thereafter)	6
5 14 125	D	Sexual Assault, Second (Offense date - July 16, 2003 and thereafter)	4
5 14 126	C	Sexual Assault, Third Degree (Offense date - August 13, 2001 and thereafter)	4
5 14 127	D	Sexual Assault, Fourth Degree (Offense date - July 16, 2003 and thereafter)	3
5 14 129	D	Registered Sex Offender Residing within 2000' of Certain Facilities (Offense date - July 16, 2003 and thereafter)	3
5 14 129	D	Registered Sex Offender Working with Children (Offense date - August 12, 2005 and thereafter)	4
+ 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 16 101	D	Video Voyeurism (Offense date - July 30, 1999 and thereafter)	3
5 16 102	D	Voyeurism (Offense date - August 12, 2005 and thereafter)	4
5 17 101	D	Death Threat Concerning School Employee Or Student (Offense date - August 13, 2001 and thereafter)	3
5 26 202	A	Incest when victim <16 (Offense date - August 1, 1997 and thereafter)	6

5 26 202	C	Incest	5
5 26 203	D	Concealing Birth (Offense date- August 13, 2001 and thereafter)	2
5 26 301	B	Wife Battering I (Offense date - prior to July 28, 1995)	8
5 26 302	D	Wife Battering II (Offense date - prior to July 28, 1995)	4
5 26 303	A	Domestic Battering I (Subsequent Offense) (Offense date - July 30, 1999 and thereafter) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	8
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 26 304	B	Domestic Battering II (Subsequent Offense)(Offense date - July 30, 1999 and thereafter) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	5
5 26 304	C	Domestic Battering II (Offense date - July 30, 1999 and thereafter)	4
5 26 304	D	Aggravated Assault on Wife I (Offense date - prior to July 28, 1995)	3
5 26 304	D	Domestic Battering II (Offense date - July 28, 1995 and thereafter)	4
5 26 305	D	Domestic Battering III (Second Offense) (Offense date - July 28, 1995 and after)	3
5 26 305	D	Domestic Battering III (Subsequent Offense)(Offense date - July 30, 1999 and thereafter) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	3
5 26 306	D	Aggravated Assault on Family/Household Member (Offense date - July 28,1995 and thereafter)	3
+ 5 26 401	B	Non-Support if owe >\$25,000 (Offense date - August 1, 1997 and thereafter)	4
+ 5 26 401	C	Non-Support if owe >\$10,000 but <\$25,000 (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support if owe > \$2,500, it at least four 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 26 501	D	Interference with Visitation	2
+ 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 27 221	B	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	6
5 27 221	C	Permitting Child Abuse	5

5 27 221	D	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	4
+ 5 27 229	D	Soliciting Money/Property from Incompt	3
5 27 230	B	Exposure of Child to Chemical Substance or Meth, Ingest, Inhale With Injury (Offense date - July 16, 2003 and thereafter)	6
5 27 230	C	Exposure of Child to Chemical Substance or Meth, Ingest, Inhale, Have Contact With (Offense date - July 16, 2003 and thereafter)	4
5 27 303	C	Engaging Child in Sex Explicit (First Offense) (Offense date - Prior to July 16, 2003)	5
5 27 303	B	Engaging Child in Sex Explicit (First Offense) (Offense date - July 16, 2003 and thereafter)	6
5 27 303	B	Engaging Child in Sex Explicit - (Subsequent Offense) (Offense date - Prior to July 16, 2003)	6
5 27 303	A	Engaging Child in Sex Explicit - (Subsequent Offense) (Offense date - July 16, 2003 and thereafter)	8
5 27 304	C	Transportation/Distribution of Material Depicting Child (First Offense)	4
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 27 306	A	Internet Stalking (Offense date - August 12, 2005 and thereafter)	7
5 27 306	C	Internet Stalking (Offense date - August 12, 2005 and thereafter)	6
5 27 402	C	Employ/Authorize Child <17 Sexual Performance (First Offense)	5
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 27 502	B	Fraud ID Unlawful to Manufacture (Second Offense)	4
+ 5 27 502	C	Fraud ID Unlawful to Manufacture (First Offense)	3
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 27 602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve Child (Offense date - August 13, 2001 and thereafter)	4
5 27 603	B	Computer Child Pornography (Offense date - August 13, 2001 and thereafter)	6
5 27 605	B	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - August 13, 2001 - July 15, 2003)	7
5 27 605	A	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - July 16, 2003 and thereafter)	8
5 27 605	C	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - August 13, 2001 - July 15, 2003)	5
5 27 605	B	Computer Exploitation of a Child - First Degree (First Degree) (Offense date - July 16, 2003 and thereafter)	6

5 27 605	D	Computer Exploitation of a Child - Second Degree (Offense date - August 13, 2001 - July 15, 2003)	4
5 27 605	C	Computer Exploitation of a Child - Second Degree (Offense date - July 16, 2003 and thereafter)	5
5 28 103	B	Abuse of Adults (Offense date - August 12, 2005 and thereafter)	7
5 28 103	B	Abuse of Adults (Offense date - Prior to August 12, 2005)	6
5 28 103	C	Abuse of Adults	5
5 28 103	D	Abuse of Adults	4
+ 5 28 216	D	Making False Notification of Adult Abuse (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 5 36 103	B	Theft of Property	5
+ 5 36 103	B	Theft of Anhydrous Ammonia (Offense date - August 12, 2005 and thereafter)	5
+ 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	2
+ 5 36 103	D	Theft of Property During a Period of Emergency (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 103	D	Theft of Property During a Criminal Episode (Offense date - August 13, 2001 and thereafter)	2
+ 5 36 104	B	Theft of Services	5
+ 5 36 104	C	Theft of Services	3
+ 5 36 105	D	Theft of Property Lost/Mislaid/Delivered by Mistake	2
+ 5 36 106	B	Theft by Receiving	5
+ 5 36 106	C	Theft by Receiving	3
+ 5 36 115	B	Theft of Leased/Rented Property	4
+ 5 36 115	C	Theft of Leased/Rented Property	3
+ 5 36 115	D	Theft of Leased/Rented Property	2
+ 5 36 202	B	Theft of Public Benefits >\$2,500	5
+ 5 36 202	C	Theft of Public Benefits >\$200 <\$2,500	3
+ 5 36 303	B	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 303	C	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	3
+ 5 36 303	C	Theft - Wireless Services Communicate Threats or Injury by Bombing, Fire, Etc. (Offense date - July 16, 2003 and thereafter)	4
+ 5 36 304	B	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 304	C	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	3
+ 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 37 201	B	Forgery I	5
+ 5 37 201	C	Forgery II	3
+ 5 37 203	D	Defrauding Secured Creditors	1
+ 5 37 204	D	Fraud in Insolvency	1
+ 5 37 207	C	Fraudulent Use of a Credit Card	3
+ 5 37 208	D	Criminal Impersonation I (Offense date - August 1, 1997 and thereafter)	2
+ 5 37 209	C	Possession of Forgery Device	3
+ 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 37 227	C	Financial Identity Fraud (Offense date - August 12, 2005 and thereafter)	4
+ 5 37 227	D	Financial Identity Fraud (Offense date - July 30, 1999 - August 11, 2005)	3
+ 5 37 302	B	Hot Check/Personal Services(> \$2,500)	5
+ 5 37 302	C	Hot Check/Personal Services(>\$200-<\$2,500)	3
+ 5 37 403	D	Manu/sale of De-scrambling Devices (Offense date - August 1, 1997 and thereafter)	2
5 37 502	B	Marking/Altering Brand of Animal	3
+ 5 37 502	C	Marking/Altering Brand of Animal	2
+ 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 38 202	D	Threatening to Cause a Catastrophe	2
# 5 38 202	Y	Causing a Catastrophe (Offense date - Prior to July 16, 2003)	9
# 5 38 202	Y	Causing a Catastrophe (Offense date - July 16, 2003 and thereafter)	10
+ 5 38 203	C	Criminal Mischief I	3
+ 5 38 204	D	Criminal Mischief II	2
* 5 38 205	C	Impairing Operation of Vital Public Facility	4
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - prior to August 1, 1997)	8
5 38 301	A	Arson (>\$20,001 -< \$100,000 Damage) (Offense date - prior to August 1, 1997)	7
5 38 301	B	Arson (< \$20,000 Damage) (Offense date - prior to August 1, 1997)	5
5 38 301	Y	Arson (>\$100,000 Damage) (Offense date - August 1, 1997 and thereafter)	8
5 38 301	A	Arson (>\$15,000 < \$100,000 Damage) (Offense date - August 1, 1997 and thereafter)	7

5 38 301	B	Arson (>\$5,000 < \$15,000 Damage) (Offense date - August 1, 1997 and thereafter)	5
* 5 38 301	C	Arson (\$2,500 < \$5,000 Damage) (Offense date - August 1, 1997 and thereafter)	4
* 5 38 301	D	Arson (\$500 < \$2,500 Damage) (Offense date - August 1, 1997 and thereafter)	3
* 5 38 302	D	Reckless Burning	2
* 5 38 311	U	Setting Fire with Intent to Let Escape	2
* 5 39 201	B	Burglary - Residential	6
+ 5 39 201	C	Burglary - Commercial	5
+ 5 39 202	D	Breaking or Entering	3
+ 5 39 211	U	Mining in a Cemetery	1
+ 5 39 401	D	Destroying or Taking Cemetery Marker (Offense date - August 1, 1997 or thereafter)	2
+ 5 41 103	D	Computer Fraud	1
+ 5 41 104	D	Computer Trespass (>\$.2500 Damage)	1
+ 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 41 206	D	Computer Password Disclosure (Offense date - August 13, 2001 and thereafter)	2
+ 5 42 204	C	Criminal Use/Laundering Proceeds	4
5 51 201	A	Treason	6
* 5 51 202	U	Subversive Activities	4
5 51 203	B	Usurping Office	4
5 51 204	B	Usurping Government	4
5 51 303	U	Intentional Injury to Interfere With Government Property	2
+ 5 51 304	U	Intentional Defective Workmanship	2
+ 5 51 403	U	Communist Party Organization	1
+ 5 51 404	D	Failure to Register Communist Party Member/Organization -Overthrow Govt	1
+ 5 52 103	D	Public Servant Bribery	3
+ 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 thereafter)	4
+ 5 53 113	D	Juror Bribery	4
* 5 53 114	C	Intimidating a Juror	4
+ 5 53 115	D	Jury Tampering	4
+ 5 53 133	D	Approaching Jury Commissioner	2

	5 53 202	B	Threatening a Judicial Official or Juror (Offense date - July 16, 2003 and thereafter)	5
	5 53 202	C	Threatening a Judicial Official or Juror (Offense date - July 16, 2003 and thereafter)	4
	5 54 104	C	Interfering with Law Enforcement Officer	4
	5 54 105	B	Hindering Apprehension or Prosecution	5
*	5 54 105	C	Hindering Apprehension or Prosecution	4
*	5 54 105	D	Hindering Apprehension or Prosecution	3
+	5 54 106	D	Aiding Consummation of Offense	2
	5 54 107	B	Compounding	5
+	5 54 107	C	Compounding	3
+	5 54 107	D	Compounding	2
	5 54 110	C	Escape I	4
*	5 54 111	D	Escape II	2
+	5 54 113	C	Permitting Escape I	4
	5 54 116	C	Aiding Unauthorized Departure	3
*	5 54 117	C	Furnishing Implement for Escape	4
*	5 54 117	D	Furnishing Implement for Escape	3
*	5 54 118	C	Furnishing Implement for Unauthorized Departure	3
	5 54 119	B	Furnishing Prohibited Articles	5
*	5 54 119	C	Furnishing Prohibited Articles	4
+	5 54 120	C	Failure to Appear	5
	5 54 121	B	Tampering With/Breaking into Court Records Offense date - July 30, 1999 and thereafter)	6
+	5 54 121	C	Tampering With Court Records (Offense date - July 30, 1999 and thereafter)	4
+	5 54 121	D	Tampering w/Public Record - Wrongdoing	2
+	5 54 122	D	Filing False Report of Crime	2
	5 54 125	C	Fleeing, in Car, with Serious Injury	5
	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 54 125	D	Fleeing (Offense date - prior to July 28, 1995)	2
	5 54 126	D	Killing Animal Used by Law Enforcement Agency	2
	5 54 127	B	Officer Failing to Execute Process	4
+	5 54 127	C	Officer Failing to Execute Process	3
*	5 54 127	D	Officer Failing to Execute Process	2
+	5 54 131	D	Absconding	2
	5 54 202	Y	Soliciting Material Support for Terrorism (Offense date - July 16, 2003 and thereafter)	8
	5 54 202	Y	Providing Material Support for a terrorist Act (Offense date - July 16, 2003 and thereafter)	9
	5 54 203	A	Making a Terrorist Threat (Offense date - July 16, 2003 and thereafter)	7
	5 54 204	B	Falsely Making a Terrorist Threat (Offense date - July 16, 2003 and thereafter)	5

5 54 205	Y	Terrorism (Offense date - July 16, 2003 and thereafter)	10
5 54 207	B	Hindering Prosecution of Terrorism (Offense date - July 16, 2003 and thereafter)	7
5 54 207	D	Hindering Prosecution of Terrorism (Offense date - July 16, 2003 and thereafter)	4
5 54 208	Y	Exposing Public to Toxic Biological, Chemical or Radioactive Substances (Offense date - July 16, 2003 and thereafter)	10
5 54 209	D	Use of a Hoax Substance (Offense date - July 16, 2003 and thereafter)	3
+ 5 55 103	B	Violation of Medicaid Fraud Act	4
+ 5 55 103	C	Violation of Medicaid Fraud Act	3
+ 5 55 103	C	Illegal Medicaid Participation (Third and Subsequent Offense) (Offense date - July 16, 2003 and thereafter)	3
+ 5 55 103	D	Illegal Medicaid Participation (Second Offense) (Offense date - July 16, 2003 and thereafter)	2
+ 5 55 104	D	Non-Maintenance of Medicaid Records	2
+ 5 55 201	D	Traffic in Illegal Food Coupons or Vouchers (Offense date - July 30, 2006 and thereafter)	2
+ 5 55 203	D	Illegal Presentation of Food Coupons or Vouchers for Payment (Offense date - July 30, 2006 and thereafter)	2
+ 5 56 101	D	Traffic in Illegal Food Coupons	2
+ 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 61 101	D	Inducing Abortion W/O Medical License	2
5 61 102	U	Abortion	2
5 61 203	D	Performing partial birth abortion (Offense date - August 1, 1997 and thereafter)	2
+ 5 62 120	D	Dogfighting - (First Offense)	1
+ 5 62 124	D	Bear Exploitation	2
+ 5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent Schedule I - II	6
+ 5 64 401	C	Possession Control/Counterfeit Subst W/O Prescription (Third Offense)	3
+ 5 64 401	D	Possession Control/Counterfeit Subst W/O Prescription (Second Offense)	2
+ 5 64 401.1	B	Manufacture, Etc. Controlled Substance Schedule I/II/III <28 gms.	4
+ 5 64 401.1	C	Manufacture, Etc. Controlled Substance Schedule IV/V <200 gms.	3
## 5 64 401.1	Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms	7
+ 5 64 401.2	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >28 gms <400 gms	5
+ 5 64 401.2	C	Manufacture/Etc. Controlled Substance Schedule IV/V >200 gms <400 gms	4

##	5 64 401.2	Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms	7
+	5 64 401.3	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >200 gms <400 gms	5
+	5 64 401.3	C	Manufacture/Etc. Controlled Substance Schedule IV/V >400 gms	4
##	5 64 401.3	Y	Manufacture/Etc. Controlled Substance Schedule I/II >200 gms <400 gms	8
+	5 64 401.4	B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms	6
+	5 64 401.4	C	Possession of Controlled Substance - Schedule I/II	4
##	5 64 401.4	Y	Manufacture/Etc. Controlled Substance Schedule I/II >400 gms	8
+	5 64 401.5	B	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - July 28, 1995 and thereafter)	5
+	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	A	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - October 10, 1994 and thereafter)	6
+	5 64 401.6	C	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - prior to October 10, 1994)	4
+	5 64 401.7	C	Manufacture/Delivery/Possession Marijuana <10 lbs	3
+	5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent Unclassified Schedule	2
+	5 64 401.9	C	Possession/Etc. Counterfeit Substance w/Intent Schedule I-V	3
+	5 64 402	B	Failure to Keep Records-Drug Free Zone	7
+	5 64 402	D	Failure to Keep Records, Etc. Drugs	2
+	5 64 403	B	Delivery Drug Paraphernalia to Anyone <18	5
##	5 64 403	B	Paraphernalia to Manufacture Methamphetamine, Use of (Offense date - April 9, 1999 and thereafter)	6
+	5 64 403	B	Fraud - Noncontrolled Substance Rep. As Controlled Substance Schedule I or II (Offense date - July 30, 2006 and thereafter)	5
+	5 64 403	C	Fraud - Noncontrolled Substance Rep. As Controlled Substance Schedule I, II, or III (Offense date - July 30, 2006 and thereafter)	4
+	5 64 403	C	Fraud - Noncontrolled Substance Rep as Controlled Substance Schedule IV (Offense date - July 30, 2006 and thereafter)	4
+	5 64 403	C	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule V (Offense date July 30, 2006 and thereafter)	4
+	5 64 403	C	Advertise to Promote sale of Counterfeit Substances or Objects to Use as Drug Paraphernalia (Offense date - July 30, 2006 and thereafter)	4
+	5 64 403	C	Delivery/Possession/Manufacture, Etc. Drugs	3
+	5 64 403	D	Non-controlled Substance Rep as Class Controlled Substance	2
+	5 64 404	C	Communication Facility, Illegal Use of (Offense date - July 30, 2006 and thereafter)	3
	5 64 405	Y	Continuing Criminal Enterprise (Offense date - July 30, 2006 and thereafter)	9
	5 64 406	Y	Distribution of Controlled Substance to a Minor	8

	5 64 414	Y	Continuing Criminal Enterprise	9
+	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 64 802	D	Conduct Illegal Drug Paraphernalia Business (Second Offense)	2
+	5 64 1101	D	Possess > 5 grams Ephedrine (Offense date - August 1, 1997 and thereafter)	2
+	5 64 1102	D	Possess w/Intent to Manufacture (Offense date - August 1, 1997 and thereafter)	2
+	5 64 1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc with Intent To Manufacture (Offense date - August 13, 2001 and thereafter)	3
+	5 64 1301	B	Possession of Anhydrous Ammonia in Unlawful Containers (Offense date - July 30, 1999 and thereafter)	5
+	5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)	3
+	5 65 111	U	DWI, Violation of Omnibus Act (Fifth Offense) (Offense date - July 30, 2006 and thereafter)	4
+	5 66 103	U	Keeping a Gambling House	1
+	5 66 115	D	Bribery of a Sports Participant	2
+	5 66 117	D	Unlawful Wagering on Horse Racing	1
+	5 66 119	D	Promotion or Operation of Lottery	1
	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 70 104	D	Promoting Prostitution First Degree	3
	5 71 202	D	Aggravated Riot	3
	5 71 203	D	Inciting Riot	3
	5 71 204	B	Arming Rioter	4
	5 71 210	C	Communicating False Alarm if Physical Injury Results (Offense date - July 16, 2003 and thereafter)	3
	5 71 210	D	Communicating False Alarm if Damage to Property Results (Offense date - July 16, 2003 and thereafter)	2
+	5 71 210	D	Communicating False Alarm	2
*	5 71 210	D	Communicating False Alarm if no Damage or Physical Injury Results, Second or Subq. Offense (Offense date - July 16, 2003 and thereafter)	2
*	5 71 210	D	Communicating False Alarm to an Educational Institution (Offense date - August 13, 2001 and thereafter)	3
	5 71 211	D	Threatening A Fire Bombing	2
+	5 71 215	C	Defacing Objects of Public Respect Damage >\$2,500	3
+	5 71 215	D	Defacing Objects of Public Respect Damage >\$500 <\$2,500	2
	5 71 229	B	Stalking First Degree	6
	5 71 229	C	Stalking Second Degree	4
	5 71 302	C	Promoting Civil Disorder - First Degree	3
+	5 72 109	U	Injuring Levee	2
+	5 72 111	U	Making Cut-offs on the River	1

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 73 103	B	Possession Firearm by Certain Persons (Offense date - October 10, 1994 - July 28, 1995, <u>no</u> Class D during this period)	3	
5 73 103	D	Possession Firearm by Certain Persons (Offense date - prior to October 10, 1994, <u>no</u> class B during this period)	2	
+	5 73 103	D	Possession Firearm by Certain Persons (Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28, 1995, and thereafter)	2
	5 73 104	B	Criminal Use of Prohibited Weapons	5
	5 73 104	D	Criminal Use of Prohibited Weapons	3
+	5 73 106	D	Defacing a Firearm	2
+	5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable (Offense date - July 28, 1995 and thereafter)	2
	5 73 108	B	Criminal in Possession of Explosives Material or Destructive Device (Offense date - Prior to August 12, 2005)	5
	5 73 108	B	Criminal Possession of Explosive Material or Destructive Device (Offense date - August 12, 2005 and thereafter)	7
	5 73 108	B	Theft of Explosive Material w/Intent to Cause Harm (Offense date - August 12, 2005 and thereafter)	7
	5 73 108	C	Criminal Distribution of Explosive Material (Offense date - August 12, 2005 and thereafter)	5
	5 73 108	C	Possession of Stolen Explosive Material (Offense date - August 12, 2005 and thereafter)	5
	5 73 108	C	Unlawful Receipt or Possession of Explosive Material (Offense date - August 12, 2005 and thereafter)	5
	5 73 109(b)	B	Furnishing Illegal Weapon to Minor (Offense date - August 12, 2005 and thereafter)	5
	5 73 109(b)	B	Furnishing Illegal Weapon to Minor (Offense date - October 10, 1994 - August 11, 2005)	4
*	5 73 119	D	Possession of Handgun on Public School Property or Bus (Offense date - prior to July 30, 1999)	3
*	5 73 119	D	Possession of Firearm on Public School Property or Bus (Offense date - July 30, 1999 and thereafter)	4
*	5 73 119	D	Possession of Handgun by Juvenile Delinquent (Offense date - October 10, 1994 and thereafter)	2
*	5 73 122	D	Possessing Handgun in a Courtroom (Offense date - August 1, 1997 and thereafter)	3
	5 73 126	D	Booby Trap Unlawful to Install/Maintain	2
	5 73 129	B	Furnishing Deadly Weapon to Felon (Offense date - October 10, 1994 and thereafter)	5
	5 73 131	D	Possession of Weapon by Incarcerated Person (Offense date - July 28, 1995 and thereafter)	3

5 73 132	B	Sale, Rental or Transfer of Firearm to Prohibited Person	5
(Sup pp. 75)		(Offense date - July 30, 1999 and thereafter)	
5 73 133	B	Furnishing a Taser Stun Gun to a Person <18	5
		(Offense date - August 12, 2005 and thereafter)	
5 73 204	U	Violation of Uniform Machine Gun Act	7
5 73 211	U	Perpetrating Crime with Machine Gun	8
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise	8
		(First Degree)	
5 74 104	A	Engaging in Continuing Gang Org. or Enterprise	7
		(First Degree)	
5 74 104	B	Engaging in Continuing Gang Org. or Enterprise	6
		(First Degree)	
5 74 104	Y	Engaging in Continuing Gang Org. or Enterprise	7
		(Second Degree)	
5 74 104	A	Engaging in Continuing Gang Org. or Enterprise	6
		(Second Degree)	
5 74 104	B	Engaging in Continuing Gang Org. or Enterprise	5
		(Second Degree)	
5 74 104	C	Engaging in Continuing Gang Org. or Enterprise	4
		(Second Degree)	
5 74 105	B	Unauthorized Use Property to Facilitate Crime	5
5 74 106	Y	Simultaneous Possession of Drugs and Firearms	8
5 74 107	Y	Discharge of a Firearm From Car (First Degree)	9
5 74 107	B	Discharge of a Firearm From Car (Second Degree)	7
5 74 108	Y	Violent Group Activity, Enhanced	9
5 74 108	A	Violent Group Activity, Enhanced	8
5 74 108	B	Violent Group Activity, Enhanced	7
5 74 108	C	Violent Group Activity, Enhanced	5
5 74 108	D	Violent Group Activity, Enhanced	3
5 74 203	B	Soliciting a Minor to Join a Gang (Second Offense)	6
		(Offense date - October 10, 1994 and thereafter)	
5 74 203	C	Soliciting a Minor to Join a Gang (First Offense)	4
		(Offense date - October 10, 1994 and thereafter)	
* 5 75 102	D	Aircraft DWI Second Offense W/I 1 Year	2
* 5 75 102	D	Aircraft DWI, Flight Crew	3
		(Offense date - July 16, 2003 and thereafter)	
* 5 77 201	D	Illegal Purchase or Sale of Blue Lights	1
		(Offense date - August 1, 1997 and thereafter)	
+ 6 13 710	C	Fraudulent Use of Funds by School District Treasurer or	3
		School Board Member (Offense date - July 30, 2006 and thereafter)	
+ 7 1 104	D	Election felonies	2
		(Offense date - August 1, 1997 and thereafter)	
+ 7 1 104	D	Preventing a Person From Voting	2
		(Offense date - July 16, 2003 and thereafter)	
+ 7 5 411	U	False Statements on Voting Affidavits	2
		(Offense date - August 1, 1997 and thereafter)	
+ 7 5 702	D	Election felonies	2
		(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
+ 7 9 109	D	False Info on Petition Verification (Offense date - August 1, 1997 and thereafter)	2
+ 8 4 201	U	Violate Law Regulating Pollution Control Commission	2
8 7 204	U	Release of Hazardous Waste with Danger Of Death/Serious Bodily Injury	6
+ 8 7 204	U	Release of Hazardous Waste	5
+ 8 7 204	U	Hazardous Waste\Violation of Provisions	3
8 7 205	U	Leave/Remove Self After Violate HWM Act	1
+ 9 9 206	C	Accepting Compensation for Adoption	3
+11 9 106	D	Workers' Compensation Fraud (Employee Misrepresentation)	2
+11 9 107	D	Workers' Compensation Fraud (Employer Misrepresentation)	2
+1110 723	C	Knowingly Evading Payment of Unemployment Insurance Tax (Offense date - August 12, 2005 and thereafter)	3
12 12 212	U	Rept/Willful Release Unauthorized Person	1
+ 12 12 504	D	False Allegation of Child Abuse (Second offense) (Offense date - August 1, 1997 and thereafter)	3
+ 12 12 620	D	False Allegation Under Adult and Long-term Care Facility Resident Maltreatment Act (Subsequent Offense) (Offense date - August 12, 2005 and thereafter)	2
12 12 904	C	Sex Offender Failing to Register (Offense date - April 7, 2006 and thereafter)	3
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 - April 6, 2006)	2
12 12 904	C	Sex Offender Failure or Refusal to Provide Information (Offense date - April 7, 2006 and thereafter)	3
12 12 906	C	Failing to Register Sex Offender Name Change (Offense date - April 7, 2006 and thereafter)	3
12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 - April 6, 2006)	2
12 12 923	C	Sex Offender Not Reporting for Electronic Monitoring (Offense date - April 7, 2006 and thereafter)	3
12 12 923	C	Altering, Tampering, Damaging or Destroying Electronic Equip. Worn by Sex Offender (Offense date - April 7, 2006 and thereafter)	4
12 12 923	D	Sex Offender Filing False Certificate of Indigency (Offense date - April 7, 2006 and thereafter)	2
+ 12 12 1008	D	Unauthorized Use of Criminal History	1
* 12 12 1110	D	Refusal to Provide DNA Sample (Offense date - July 16, 2003 and thereafter)	3
+ 13 6 406	D	Trading or Collecting Skeletal Remains (Offense date - July 30, 1999 and thereafter)	2
+ 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	D	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 408	C	Desecration of Burial Grounds (Second Offense) (Offense date - July 30, 1999 and thereafter)	4
+ 15 32 603	D	Timber Theft (Offense date - August 13, 2001 and thereafter)	2
+ 15 43 317	U	Killing Fish w/Intoxicant Stup Substance	1
+ 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
* 16 93 302	D	Using First Offender Program a Second Time (Offense date - July 30, 2006 and thereafter)	2
+ 17 16 102	D	Unlicenced Athletic Agent (Offense date - July 30, 1999 and thereafter)	1
+ 17 20 103	U	Precious Metals Violate Buyers Act	1
+ 17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 17 42 105	D	Acting as Real Estate Broker Without a License (Offense date - July 30, 2006 and thereafter)	2
+ 18 44 101	U	Failure to Discharge Lien	1
+ 18 29 204	D	Violation of "Unused Property" Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
* 20 16 1002	C	Human Cloning (Offense date - July 16, 2003 and thereafter)	4
+ 20 23 403	U	Failure to Inspect Boilers (Offense date - July 30, 1999 and thereafter)	1
+ 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
+ 20 64 304	U	Fraud Obtaining Depressant or Stimulant Drug (First Offense) (Offense date - July 30, 2006 and thereafter)	2
+ 20 64 304	U	Fraud Obtaining Depressant or stimulant Drug (Second Offense) (Offense date - July 30, 2006 and thereafter)	3
+ 20 64 304	U	Fraud Obtaining Depressant or Stimulant Drug (Third or Subsequent Offense) (Offense date - July 30, 2006 and thereafter)	4
+ 21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2
+ 23 35 801	D	Misleading Conduct or Use of Words "Credit Union" (Offense date - July 20, 2006 and thereafter)	2
+ 23 35 805	U	Spread False Report About Credit Union	1
+ 23 38 403	D	Suppressing Evidence/Building and Loan Associations (Offense date - July 30, 2006 and thereafter)	2
+ 23 39 104	B	False Security Statement	4
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 42 507	B	Securities Fraud	4

+ 23 42 507	D	Securities Fraud	2
+ 23 65 101	D	Unauthorized Insurance Transactions (Offense date - July 16, 2003 and thereafter)	2
+ 23 66 502	D	Fraudulent Insurance Acts (Offense date - August 1, 1997 and thereafter)	2
+ 23 66 502	C	Fraudulent Insurance Acts (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 23 69 134	U	Removal of Insurance Records (Offense date - July 30, 1999 and thereafter)	2
+ 23 78 104	D	Violation of Burial Association Law (Offense date - August 12, 2005 and thereafter)	2
+ 26 18 202	U	Failure to Pay or File Tax Return	1
+ 26 37 205	D	Submitting Fraudulent Claim for Funds From Sale of Tax Delinquent Lands (Offense date - August 12, 2005 and thereafter)	2
+ 27 14 307	U	False Evidence Title or Registration	1
+ 27 14 2210	D	Buying or Selling Vehicle W/O Manf. Serial Number Second or Subq. Offense (Offense date - July 16, 2003 and thereafter)	2
+ 27 14 2211	C	Altering, Changing Engine Numbers (Offense date - July 16, 2003 and thereafter)	2
+ 27 14 2212	U	Mutilating Serial Numbers, Vehicles	2
+ 27 52 102	D	Interfere W/Traffic Control Device	2
27 53 101	D	Failure to Stop After Accident With Injury or Death	2
+ 27 53 103	D	Duty to Give Info or Render Aid	1
+ 27101 701	C	Fraudulent Use of, Altering Boat Identification Number (Offense date - August 12, 2005 and thereafter)	3
+ 27 101 701	D	Knowingly Buying, Selling, Possessing, etc. Boating Equipment Without Identification Number (Second or Subsequent Offense) (Offense date - August 12, 2005 and thereafter)	2
+ 27 101 701	D	Unlawfully Possessing Boating Equip with Unreadable Boating Identification Number (Offense date - August 12, 2005 and thereafter)	2
+ 27 116 502	C	Operating Aircraft W/O ID Markings	2

2. ALPHABETICAL OFFENSE SERIOUSNESS RANKING TABLE
FOR ALL CRIMINAL OFFENSES

<u>Statute #</u>	<u>Class</u>	<u>Name of Crime</u>	<u>Ranking</u>
5 61 102	U	Abortion	2
+ 5 54 131	D	Absconding	2
5 28 103	B	Abuse of Adults (Offense date - August 12, 2005 and thereafter)	7
5 28 103	B	Abuse of Adults (Offense date - Prior to August 12, 2005)	6
5 28 103	C	Abuse of Adults	5
5 28 103	D	Abuse of Adults	4
5 60 101	D	Abuse of Corpse	1
+ 9 9 206	C	Accepting Compensation for Adoption	3
+ 17 42 105	D	Acting as Real Estate Broker Without a License (Offense date - July 30, 2006 and thereafter)	2
+ 5 64 403	C	Advertise to Promote sale of Counterfeit Substances or Objects to Use as Drug Paraphernalia (Offense date - July 30, 2006 and thereafter)	4
5 13 204	D	Aggravated Assault	3
5 13 211	D	Aggravated Assault of Corrections Officer (Offense date - August 1, 1997 and thereafter)	3
5 26 306	D	Aggravated Assault on Family/Household Member (Offense date - July 28, 1995 and thereafter)	3
5 26 304	D	Aggravated Assault on Wife I (Offense date - prior to July 28, 1995)	3
5 71 202	D	Aggravated Riot	3
# 5 12 103	Y	Aggravated Robbery	8
+ 5 54 106	D	Aiding Consummation of Offense	2
5 54 116	C	Aiding Unauthorized Departure	3
* 5 75 102	D	Aircraft DWI, Flight Crew (Offense date - July 16, 2003 and thereafter)	3
* 5 75 102	D	Aircraft DWI Second Offense Within 1 Year	2
5 11 105	B	Aircraft Piracy	5
+ 3 3 202	U	Alcoholic Beverage to Minor (Second Offense) (Offense date prior to August 12, 2005)	3
+ 3 8 312	U	Alcoholic Beverage Sale/Possession Trade in Dry County	1
+ 27 14 2211	C	Altering, Changing Engine Numbers (Offense date - July 16, 2003 and thereafter)	2
12 12 923	C	Alter, Tampering, Damaging, or Destroying Electronic Equip. Worn by Sex Offender (Offense date - April 7, 2006 and thereafter)	4
+ 5 53 133	D	Approaching Jury Commissioner	2
5 71 204	B	Arming Rioter	4
5 38 301	Y	Arson (> \$100,000 Damage) (Offense date - prior to August 1, 1997)	8

5 38 301	A	Arson (>\$20,001 - <\$100,000 Damage) (Offense date - prior to August 1, 1997)	7
5 38 301	B	Arson (< \$20,000 Damage) (Offense date - prior to August 1, 1997)	5
5 38 301	Y	Arson (>\$100,000 Damage) (Offense date - August 1, 1997 or thereafter)	8
5 38 301	A	Arson (>\$15,000 < \$100,000 Damage) (Offense date - August 1, 1997 or thereafter)	7
5 38 301	B	Arson (>\$5,000 < \$15,000 Damage) (Offense date - August 1, 1997 or thereafter)	5
* 5 38 301	C	Arson (>\$2,500 < \$5,000 Damage) (Offense date - August 1, 1997 and thereafter)	4
* 5 38 301	D	Arson (>\$500 < \$2,500 Damage) (Offense date - August 1, 1997 and thereafter)	3
5 13 201	B	Battery I	8
5 13 202	D	Battery II	4
+ 5 62 124	D	Bear Exploitation	2
5 73 126	D	Booby Trap Unlawful to Install/Maintain	2
+ 5 39 202	D	Breaking or Entering	3
+ 5 66 115	D	Bribery of a Sports Participant	2
+ 5 39 201	C	Burglary - Commercial	5
* 5 39 201	B	Burglary - Residential	6
+ 27 14 2210	C	Buying or Selling Vehicle W/O Manf. Serial Number Second or Subq. Offense (Offense date - July 16, 2003 and thereafter)	2
5 10 101	Y	Capital Murder - Attempt to Commit (Offense date - August 12, 2005 and thereafter)	9
5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation (Attempt to Commit offense date - prior to August 12, 2005)	9
5 14 104	A	Carnal Abuse I (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	6
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 14 105	D	Carnal Abuse II (Offense date - prior to July 28, 1995)	4
5 14 106	D	Carnal Abuse III (Offense date - on or after July 28, 1995 and prior to August 13, 2001)	3
# 5 38 202	Y	Causing a Catastrophe (Offense date - Prior to July 16, 2003)	9
# 5 38 202	Y	Causing a Catastrophe (Offense date - July 16, 2003 and thereafter)	10
+ 5 71 210	D	Communicating False Alarm	2
* 5 71 210	D	Communicating False Alarm if Damage to Property Results (Offense date - July 16, 2003 and thereafter)	2
* 5 71 210	D	Communicating False Alarm if No Damage or Physical Injury Results, Second or Subsequent Offense (Offense date - July 16, 2003 and thereafter)	2

	5 71 210	C	Communicating False Alarm if Physical Injury Results (Offense date - July 16, 2003 and thereafter)	3
*	5 71 210	D	Communicating False Alarm to an Educational Institution (Offense date - August 13, 2001 and thereafter)	3
	5 60 111	D	Communicating False Alarm by Radio	1
+	5 64 404	C	Communication Facility, Illegal Use of (Offense date - July 30, 2006 and thereafter)	3
+	5 64 417	C	Communication Facility, Illegal Use of	3
+	5 51 403	U	Communist Party Organization	1
	5 54 107	B	Compounding	5
+	5 54 107	C	Compounding	3
+	5 54 107	D	Compounding	2
	5 27 603	B	Computer Child Pornography (Offense date - August 13, 2001 and thereafter)	6
	5 27 605	A	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - July 16, 2003 and thereafter)	8
	5 27 605	B	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - August 13, 2001- July 15, 2003)	7
	5 27 605	B	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - July 16, 2003 and thereafter)	6
	5 27 605	C	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - August 13, 2001 - July 15, 2003)	5
	5 27 605	C	Computer Exploitation of a Child - Second Degree (Offense date - July 16, 2003 and thereafter)	5
	5 27 605	D	Computer Exploitation of a Child - Second Degree (Offense date - August 13, 2001 - July 15, 2003)	4
+	5 41 103	D	Computer Fraud	1
+	5 41 206	D	Computer Password Disclosure (Offense date - August 13, 2001 and thereafter)	2
+	5 41 104	D	Computer Trespass (>\$2,500 Damage)	1
	5 26 203	D	Concealing Birth (Offense date- August 13, 2001 and thereafter)	2
+	5 64 802	D	Conduct Illegal Drug Paraphernalia Business (Second Offense)	2
+	5 64 802	C	Conduct Illegal Drug Paraphernalia Business (Third Offense)	3
	5 64 405	Y	Continuing Criminal Enterprise (Offense date - July 30, 2006 and thereafter)	9
	5 64 414	Y	Continuing Criminal Enterprise	9
	5 73 108	C	Criminal Distribution of Explosive Material (Offense date - August 12, 2005 and thereafter)	5
+	5 37 208	D	Criminal Impersonation I (Offense date - August 1, 1997 and thereafter)	2
	5 73 108	B	Criminal Possession of Explosive Material or Destructive Device (Offense date - August 12, 2005 and thereafter)	7
	5 73 108	B	Criminal Possession of Explosive Material or Destructive Device (Offense date - Prior to August 12, 2005)	5
+	5 38 203	C	Criminal Mischief I	3

+ 5 38 204	D	Criminal Mischief II	2
+ 5 37 213	D	Criminal Simulation	1
5 73 104	B	Criminal Use of Prohibited Weapons	5
5 73 104	D	Criminal Use of Prohibited Weapons	3
+ 5 42 204	C	Criminal Use/Laundering Proceeds	4
5 17 101	D	Death Threat Concerning School Employee Or Student (Offense date - August 13, 2001 and thereafter)	3
+ 13 6 408	D	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	3
+ 13 6 408	C	Desecration of Burial Grounds (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 73 106	D	Defacing a Firearm	2
+ 5 71 215	C	Defacing Objects of Public Respect Damage >\$2,500	3
+ 5 71 215	D	Defacing Objects of Public Respect Damage >\$500 <\$2,500	2
+ 5 37 211	D	Defrauding Judgment Creditors	1
+ 5 37 525	D	Defrauding Material Man >\$5,000	1
+ 5 37 203	D	Defrauding Secured Creditors	1
+ 5 64 403	C	Delivery/Possession/Manufacture, Etc. Drugs	3
+ 5 64 403	B	Delivery Drug Paraphernalia to Anyone <18	5
+ 5 39 401	D	Destroying or Taking Cemetery Marker (Offense date - August 1, 1997 and thereafter)	2
5 74 107	Y	Discharge of a Firearm From Car (First Degree)	9
5 74 107	B	Discharge of a Firearm From Car (Second Degree)	7
+ 13 6 407	C	Display of Skeletal Remains (Offense date - July 30, 1999 and thereafter)	3
5 27 602	B	Distributing, Possessing or Viewing Matter Depict Conduct Involve 6 Child, (Second or Subq. Offense) (Offense date - August 13, 2001 and thereafter)	6
5 27 602	C	Distributing, Possessing or Viewing Matter Depict Conduct Involve 4 Child (Offense date - August 13, 2001 and thereafter)	4
5 64 406	Y	Distribution of Controlled Substance to a Minor	8
+ 5 62 120	D	Dogfighting - (First Offense)	1
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 26 303	A	Domestic Battering I (Subsequent Offense - Offense date - July 30, 1999 and thereafter) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	8
5 26 304	C	Domestic Battering II (Offense date - July 30, 1999 and thereafter)	4
5 26 304	B	Domestic Battering II (Subsequent Offense - Offense date - July 30, 1999 and thereafter) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	5
5 26 304	D	Domestic Battering II (Offense date - July 28, 1995 and thereafter)	4
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) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	3
+ 5 64 415	D	Drug Precursors	3
+ 27 53 103	D	Duty to Give Info or Render Aid	1
+ 5 65 103	U	DWI, Violation of Omnibus Act (Fourth Offense)	3
+ 5 65 111	U	DWI, Violation of Omnibus Act (Fifth Offense) (Offense date - July 30, 2006 and thereafter)	4
+ 7 1 104	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
+ 7 5 702	D	Election felonies (Offense date - August 1, 1997 and thereafter)	2
5 27 402	C	Employ/Authorize Child <17 Sexual Performance (First Offense)	5
5 27 402	B	Employ/Authorize Child <17 Sexual Performance (Subsequent Offense)	6
5 27 201	D	Endangering Welfare of Incompetent I	3
5 27 203	D	Endangering Welfare of a Minor I	3
5 27 303	B	Engaging Child in Sex Explicit (First Offense) (Offense date - July 16, 2003 and thereafter)	6
5 27 303	C	Engaging Child in Sex Explicit (First Offense) (Offense date - Prior to July 16, 2003)	5
5 27 303	A	Engaging Child in Sex Explicit (Subsequent Offense) (Offense date - July 16, 2003 and thereafter)	8
5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense) (Offense date - Prior to July 16, 2003)	6
5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	7
5 74 104	B	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	6
5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (First Degree)	8
5 74 104	A	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	6
5 74 104	B	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	5
5 74 104	C	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	4
5 74 104	Y	Engaging in Continuing Gang, Org. or Enterprise (Second Degree)	7
5 54 110	C	Escape I	4
* 5 54 111	D	Escape II	2
5 54 208	Y	Exposing Public to Toxic Biological, Chemical or Radioactive Substances (Offense date - July 16, 2003 and thereafter)	10
5 27 230	C	Exposure of Child to Chemical Substance or Meth, Ingest, Inhale Have Contact With (Offense date - July 16, 2003 and thereafter)	4
5 27 230	B	Exposure of Child to Chemical Substance or Meth, Ingest, Inhale With Injury (Offense date - July 16, 2003 and thereafter)	6

12 12 906	C	Failing to Register Sex Offender Name Change (Offense date - April 7, 2006 and thereafter)	3
12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 - April 6, 2006)	2
+ 5 54 120	C	Failure to Appear	5
+ 23 40 106	D	Failure to Deposit Funeral Trust Funds (Offense date - July 30, 1999 and thereafter)	3
+ 18 44 101	U	Failure to Discharge Lien	1
+ 20 23 403	U	Failure to Inspect Boilers (Offense date - July 30, 1999 and thereafter)	1
5 64 402	B	Failure to Keep Records-Drug Free Zone	7
+ 5 64 402	D	Failure to Keep Records, Etc. Drugs	2
+ 20 60 210	U	Failure to Label Narcotic	1
+ 26 18 202	U	Failure to Pay or File Tax Return	1
+ 5 51 404	D	Failure to Register Communist Party Member/Organization Overthrow Government	1
27 53 101	D	Failure to Stop After Accident with Injury or Death	2
+ 12 12 504	D	False Allegations of Child Abuse - (Second Offense) (Offense date - August 1, 1997 and thereafter)	3
+ 12 12 620	D	False Allegation Under Adult and Long-term Care Facility Resident Maltreatment Act (Subsequent Offense) (Offense date - August 12, 2005 and thereafter)	2
+ 27 14 307	U	False Evidence Title or Registration	1
5 11 103	C	False Imprisonment I	4
+ 7 9 109	D	False Information on Petition Verification (Offense date - August 1, 1997 and thereafter)	2
+ 23 60 109	D	False or Misleading Statements/Arkansas Insurance Code (Offense date - July 30, 2006 and thereafter)	2
+ 5 37 503	U	False Registration - Pedigree Animal	1
+ 23 39 104	B	False Security Statement	4
+ 7 5 411	U	False Statements on Voting Affidavits (Offense date - August 1, 1997 and thereafter)	2
5 54 204	B	Falsely Making a Terrorist Threat (Offense date - July 16, 2003 and thereafter)	5
+ 5 54 122	D	Filing False Report of Crime	2
+ 5 37 227	C	Financial Identity Fraud (Offense date - August 12, 2005 and thereafter)	4
+ 5 37 227	D	Financial Identity Fraud (Offense date - July 30, 1999 - August 11, 2005)	3
5 54 125	D	Fleeing (Offense date - prior to July 28, 1995)	2
5 54 125	C	Fleeing, in Car, with Serious Injury	5
5 54 125	D	Fleeing in Vehicle Causing Danger (Offense date - July 28, 1995 and thereafter)	3
5 54 125	D	Fleeing, with Serious Injury	3
+ 5 37 201	B	Forgery I	5
+ 5 37 201	C	Forgery II	3

+ 5 64 403	B	Fraud - Noncontrolled Substance Rep. As Controlled Substance Schedule I or II (Offense date - July 30, 2006 and thereafter)	5
+ 5 64 403	C	Fraud - Noncontrolled Substance Rep. As Controlled Substance Schedule I, II, or III (Offense date - July 30, 2006 and thereafter)	4
+ 5 64 403	C	Fraud - Noncontrolled Substance Rep as Controlled Substance Schedule IV (Offense date - July 30, 2006 and thereafter)	4
+ 5 64 403	C	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule V (Offense date July 30, 2006 and thereafter)	4
+ 20 64 217	U	Fraud/Deceit Procure Narcotic	1
5 27 502	B	Fraud ID Unlawful to Manufacture (Second Offense)	4
+ 5 27 502	C	Fraud ID Unlawful to Manufacture (First Offense)	3
+ 5 37 524	D	Fraud in Acquire/Auth to Provide MV Trans	1
+ 5 37 204	D	Fraud in Insolvency	1
+ 20 64 304	U	Fraud Obtaining Depressant or Stimulant Drug (First Offense) (Offense date - July 30, 2006 and thereafter)	2
+ 20 64 304	U	Fraud Obtaining Depressant or stimulant Drug (Second Offense) (Offense date - July 30, 2006 and thereafter)	3
+ 20 64 304	U	Fraud Obtaining Depressant or Stimulant Drug (Third or Subsequent Offense) (Offense date - July 30, 2006 and thereafter)	4
+ 23 66 502	D	Fraudulent Insurance Acts (Offense date - August 1, 1997 and thereafter)	2
+ 23 66 502	C	Fraudulent Insurance Acts (Subsequent Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 37 207	C	Fraudulent Use of a Credit Card	3
+ 6 13 710	C	Fraudulent Use of Funds by School District Treasurer or School Board Member (Offense date - July 30, 2006 and thereafter)	3
+ 27 101 701	C	Fraudulent Use of, or Altering Boat Identification Number (Offense date - August 12, 2005 and thereafter)	3
5 73 133	B	Furnishing a Taser Stun Gun to Person <18 (Offense date - August 12, 2005 and thereafter)	5
3 3 202	B	Furnishing Alcoholic Beverage to Minor (Second Offense within 3 Years and Minor's Motor Vehicle Accident Results in Death) (Offense date - August 12, 2005 and thereafter)	6
3 3 202	C	Furnishing Alcoholic Beverage to Minor (First Offense if Minor's Motor Vehicle Accident Results in Death) (Offense date - August 12, 2005 and thereafter)	4
+ 3 3 202	C	Furnishing Alcoholic Beverage to Minor (Second Offense within 3 Years and Damage from Minor's Motor Vehicle Accident > \$500) (Offense date - August 12, 2005 and thereafter)	4
+ 3 3 202	D	Furnishing Alcoholic Beverage to Minor (Second Offense within 3 Years) (Offense date - August 12, 2005 and thereafter)	3
+ 3 3 202	D	Furnishing Alcoholic Beverage to Minor (First Offense if Damage from Minor's Motor Vehicle Accident > \$500) (Offense date - August 12, 2005 and thereafter)	2
5 73 129	B	Furnishing Deadly Weapon to Felon (Offense date - October 10, 1994 and thereafter)	5

5 73 109(b)B	Furnishing Illegal Weapon to Minor (Offense date - August 12, 2005 and thereafter)	5
5 73 109(b)B	Furnishing Illegal Weapon to Minor (Offense date - October 10, 1994 - August 11, 2005)	4
* 5 54 117 C	Furnishing Implement for Escape	4
* 5 54 117 D	Furnishing Implement for Escape	3
* 5 54 118 C	Furnishing Implement for Unauthorized Departure	3
5 54 119 B	Furnishing Prohibited Articles	5
* 5 54 119 C	Furnishing Prohibited Article	4
+ 8 7 204 U	Hazardous Waste/Violation of Provisions	3
5 54 105 B	Hindering Apprehension or Prosecution	5
* 5 54 105 C	Hindering Apprehension or Prosecution	4
* 5 54 105 D	Hindering Apprehension or Prosecution	3
5 54 207 B	Hindering Prosecution of Terrorism (Offense date - July 16, 2003 and thereafter)	7
5 54 207 D	Hindering Prosecution of Terrorism (Offense date - July 16, 2003 and thereafter)	4
+ 5 37 302 B	Hot Check/Personal Services(> \$2500)	5
+ 5 37 302 C	Hot Check/Personal Services(>\$200-<\$2,500)	3
* 20 16 1002 C	Human Cloning (Offense date - July 16, 2003 and thereafter)	4
5 11 108 A	Human Trafficking (Offense date - August 12, 2005 and thereafter)	8
+ 5 55 103 D	Illegal Medicaid Participation (Second Offense) (Offense date - July 16, 2003 and thereafter)	2
+ 5 55 103 C	Illegal Medicaid Participation (Third and Subsequent Offense) (Offense date - July 16, 2003 and thereafter)	3
+ 5 55 203 D	Illegal Presentation of Food Coupons or Vouchers for Payment (Offense date - July 30, 2006 and thereafter)	2
* 5 77 201 D	Illegal Purchase or Sale of Blue Lights (Offense date - August 1, 1997 and thereafter)	1
+ 5 56 102 D	Illegal Use Etc. of Food Coupons	1
+ 5 56 103 D	Illegal Use of Food Coupons	1
+ 3 3 402 D	Illicit Still	1
* 5 38 205 C	Impairing Operation of Vital Public Facility	4
5 26 202 A	Incest when victim <16 (Offense date - August 1, 1997 and thereafter)	6
5 26 202 C	Incest	5
5 71 203 D	Inciting Riot	3
5 14 112 D	Indecent Exposure to Age 12 and under (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 61 101 D	Inducing Abortion W/O Medical License	2
+ 5 72 109 U	Injuring Levee	2
+ 5 51 304 U	Intentional Defective Workmanship	2
5 51 303 U	Intentional Injury, to Interfere With Government Property	2
+ 27 52 102 D	Interfere W/Traffic Control Device	2

+ 5 26 502	D	Interference with Court Ordered Custody (Offense date - July 28, 1995 and thereafter)	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 54 104	C	Interfering w/Law Enforcement Officer	4
+ 5 26 501	D	Interference with Visitation	2
5 27 306	A	Internet Stalking (Offense date - August 12, 2005 and thereafter)	7
5 27 306	C	Internet Stalking (Offense date - August 12, 2005 and thereafter)	6
* 5 53 114	C	Intimidating a Juror	4
* 5 53 109	C	Intimidating a Witness	4
5 13 210	Y	Intro C/S into Body (Schedule I-II)	7
5 13 210	Y	Intro C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and thereafter)	9
5 13 210	B	Intro C/S into Body (Schedule I-III)	5
5 13 210	C	Intro C/S into Body (Schedule IV-V)	3
+ 4 59 301	D	Issuance of Bill for Goods Not Received (Offense date - July 30, 2006 and thereafter)	2
+ 5 53 113	D	Juror Bribery	4
+ 5 53 115	D	Jury Tampering	4
+ 5 66 103	U	Keeping a Gambling House	1
5 11 102	B	Kidnapping	6
# 5 11 102	Y	Kidnapping	8
5 54 126	D	Killing Animal Used by Law Enforcement Agency	2
+ 15 43 317	U	Killing Fish w/Intoxicant Stup Substance	1
+ 27 101 701	D	Knowingly Buying, Selling, Possessing, etc. Boating Equipment Without Identification Number (Second or Subsequent Offense) (Offense date - August 12, 2005 and thereafter)	2
+ 11 10 723	C	Knowingly Evading Payment of Unemployment Insurance Tax (Offense date - August 12, 2005 and thereafter)	3
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - August 13, 2001 and thereafter)	7
5 14 123	A	Knowingly Exposing Another to HIV (Offense date - Prior to August 13, 2001)	6
+ 8 7 205	U	Leave/Remove Self After Violate HWM Act	1
5 54 203	A	Making a Terrorist Threat (Offense date - July 16, 2003 and thereafter)	7
+ 5 72 111	U	Making Cut-offs on the River	1
+ 5 28 216	D	Making False Notification of Adult Abuse (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
5 10 104	C	Manslaughter	6
+ 5 64 401.1	B	Manufacture/Etc. Controlled Substance Schedule I/II/III <28 gms.	4
+ 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 64 401.4 B	Manufacture/Etc. Controlled Substance Schedule I/II/III >400 gms	6
+ 5 64 401.1 C	Manufacture/Etc. Controlled Substance Schedule IV/V <200 gms	3
+ 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 Schedule IV/V >400 gms	4
## 5 64 401.2 Y	Manufacture/Etc. Controlled Substance Schedule I/II >28 gms <200 gms	7
## 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 64 401.1 Y	Manufacture/Delivery/Possession Control Substance; Schedule I/II <28 gms	7
+ 5 64 401.5 B	Manufacture/Delivery/Possession Marijuana >10 lbs <100 lbs (Offense date - July 28, 1995 and thereafter)	5
+ 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 A	Manufacture/Delivery/Possession Marijuana >100 lbs (Offense date - October 10, 1995 and thereafter)	6
+ 5 64 401.6 C	Manufacture/Delivery/Possession Marijuana > 100 lbs (Offense date - prior to October 10,1994)	4
+ 5 64 401.7 C	Manufacture/Delivery/Possession Marijuana < 10 lbs	3
+ 5 37 403 D	Manu/sale of De-scrambling Devices (Offense date - August 1, 1997 and thereafter)	2
5 37 502 B	Marking/Altering Brand of Animal	3
+ 5 37 502 C	Marking/Altering Brand of Animal	2
+ 5 37 502 D	Marking/Altering Brand of Animal	1
+ 5 39 211 U	Mining in a Cemetery	1
+ 23 35 801 D	Misleading Conduct or Use of Words "Credit Union" (Offense date - July 20, 2006 and thereafter)	2
# 5 10 102 Y	Murder I	10
5 10 103 A	Murder II (Offense date - August 12, 2005 and thereafter)	9
5 10 103 B	Murder II (Offense date - Prior to August 12, 2005)	8
+ 27 14 2212 U	Mutilating Serial Numbers, Vehicles	2
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 64 403 D	Non-controlled Substance Rep as Class Controlled Substance	2
+ 5 55 104 D	Non-Maintenance of Medicaid Record	2
+ 5 26 401 B	Non-Support if owe >\$25,000 (Offense date - August 1, 1997 and thereafter)	4

+ 5 26 401	C	Non-Support if owe >\$10,000 but <\$25,000 (Offense date - July 30, 1999 and thereafter)	3
+ 5 26 401	D	Non-Support (Offense date - prior to July 30, 1999)	3
+ 5 26 401	D	Non-Support if owe >\$25,000; if at least 4 Months Support (Offense date - July 30, 1999 and thereafter)	3
5 68 305	C	Obscene Performance at Live Public Show	2
+ 5 37 210	D	Obtaining Signature by Deception	1
+ 4 90 201	U	Odometer Fraud (Offense date - July 28, 1995 and thereafter)	2
5 54 127	B	Officer Failing to Execute Process	4
+ 5 54 127	C	Officer Failing to Execute Process	3
* 5 54 127	D	Officer Failing to Execute Process	2
+27 116 502	C	Operating Aircraft W/O ID Markings	2
## 5 64 403	B	Paraphernalia to Manufacture Methamphetamine, Use of (Offense date - April 9, 1999 and thereafter)	6
+ 5 53 102	C	Perjury	4
5 11 106	B	Permanent Detention	5
5 11 106	D	Permanent Detention	3
5 61 203	D	Performing Partial Birth Abortion (Offense date - August 1, 1997 and thereafter)	2
5 27 221	B	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	6
5 27 221	C	Permitting Child Abuse	5
5 27 221	D	Permitting Child Abuse (Offense date - August 13, 2001 and thereafter)	4
+ 5 54 113	C	Permitting Escape I	4
5 73 211	U	Perpetrating Crime with Machine Gun	8
+ 7 6 102	D	Person With Record Signing Political Pledge	1
5 10 106	C	Physician-Assisted Suicide (Offense date - July 30, 1999 and thereafter)	5
+ 5 64 401	B	Possession/Etc. Counterfeit Substance w/Intent - Schedule I-II	6
+ 5 64 401.9	C	Possession/Etc. Counterfeit Substance w/Intent - Schedule I-V	3
+ 5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent Unclassified Schedule	2
+ 5 64 1301	B	Possession of Anhydrous Ammonia in Unlawful Containers (Offense date - July 30, 1999 and thereafter)	5
+ 5 64 401	D	Possession of Control/Counterfeit Substance W/O Prescription (Second Offense)	2
+ 5 64 401	C	Possession of Control/Counterfeit Substance W/O Prescription (Third Offense)	3
+ 5 64 401.4	C	Possession of Controlled Substance Schedule I/II	4
+ 5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable (Offense date - July 28, 1995 and thereafter)	2
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 73 103 B	Possession Firearm by Certain Persons (Offense date - October 10, 1994 - July 28,1995 <u>no</u> Class D during this period)	3
5 73 103 D	Possession Firearm by Certain Persons (Offense date - prior to October 10, 1994, <u>no</u> class B during this period)	2
+ 5 73 103 D	Possession Firearm by Certain Persons (Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28,1995, and thereafter)	2
* 5 73 119 D	Possession of Firearm on Public School Property or Bus (Offense date - July 30, 1999 and thereafter)	4
+ 5 37 209 C	Possession of Forgery Device	3
+ 5 64 1101 D	Possess> 5 grams Ephedrine (Offense date - August 1, 1997 and thereafter)	2
* 5 73 119 D	Possession of Handgun by Juvenile Delinquent (Offense date - October 10, 1994 and thereafter)	2
* 5 73 122 D	Possession Handgun in a Courtroom (Offense date - August 1, 1997 and thereafter)	3
* 5 73 119 D	Possession of Handgun on Public School Property or Bus (Offense date - prior to July 30, 1999)	3
5 73 108 C	Possession of Stolen Explosive Material (Offense date - August 12, 2005 and thereafter)	5
+ 5 73 131 D	Possession of Weapon by Incarcerated Person (Offense date - July 28, 1995 and thereafter)	3
+ 5 64 1102 D	Possess w/Intent to Manufacture (Offense date - August 1, 1997 and thereafter)	2
+ 17 20 103 U	Precious Metals Violate Buyers Act	1
+ 7 1 104 D	Preventing a Person from Voting (Offense date - July 16, 2003 and thereafter)	2
5 27 403 B	Produce/Direct Sexual Performance Child <17	6
5 71 302 C	Promoting Civil Disorder (First Degree)	3
5 68 303 D	Promoting Obscene Materials	2
5 68 304 D	Promoting Obscene Performance	2
5 70 104 D	Promoting Prostitution 1st Degree	3
+ 5 66 119 D	Promotion or Operation of Lottery	1
5 54 202 Y	Providing Material Support for a Terrorist Act (Offense date - July 16, 2003 and thereafter)	9
5 68 307 D	Public Display of Hardcore Sex Conduct	2
+ 5 52 103 D	Public Servant Bribery	3
# 5 14 103 Y	Rape	9
* 5 38 302 D	Reckless Burning	2
* 12 12 1110 D	Refusal to Provide DNA Sample (Offense date - July 16, 2003 and thereafter)	3

5 14 128	D	Registered Sex Offender Residing within 2000' of Certain Facilities (Offense date - July 16, 2003 and thereafter)	3
5 14 129	D	Registered Sex Offender Working with Children (Offense date - August 12, 2005 and thereafter)	4
* 8 7 204	U	Release of Hazardous Waste	5
8 7 204	U	Release of Hazardous Waste with Danger of Death/Serious Bodily Injury	6
+ 23 69 134	U	Removal of Insurance Records (Offense date - July 30, 1999 and thereafter)	2
12 12 212	U	Rept/Willful Release Unauthorized Person	1
* 5 53 112	D	Retaliation Against Certain Informants (Offense date - August 1, 1997 and thereafter)	4
5 12 102	B	Robbery	7
+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
+ 3 3 202	C	Sale of Alcoholic Beverage to Minor (New, 2 nd Offense w/i 5 yr)	3
20 60 214	U	Sale/Disp Adulterated/Uninspected Meat	1
5 68 405	U	Sale/Distribution of Obscene Material	2
5 73 132	B	Sale, Rental, or Transfer of Firearm to Prohibited Person (Offense date - July 30, 1999 and thereafter)	5
(Sup pp. 75)			
+ 3 8 209	D	Sale or Furnishing Place for Sale in dry Territory (Offense date - July 30, 2006 and thereafter)	1
5 68 203	U	Sale or Possession of Obscene Film	2
+ 23 42 507	B	Securities Fraud	4
+ 23 42 507	D	Securities Fraud	2
+ 5 64 1102	D	Sell, Distribute, etc. Ephedrine, Pseudoephedrine, etc with Intent To Manufacture (Offense date - August 13, 2001 and thereafter)	3
5 38 311	U	Setting Fire w/Intent to Let Escape	2
12 12 904	C	Sex Offender Failing to Register (Offense date - April 7, 2006 and thereafter)	3
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 - April 6, 2006)	2
12 12 904	C	Sex Offender Failure or Refusal to Provide Information (Offense date - April 7, 2006 and thereafter)	3
12 12 923	D	Sex Offender Filing False Certificate of Indigency (Offense date - April 7, 2006 and thereafter)	2
12 12 923	C	Sex Offender Not Reporting for Electronic Monitoring (Offense date - April 7, 2006 and thereafter)	3
5 14 108	C	Sexual Abuse I (Offense date - prior to August 13, 2001)	5
5 14 124	A	Sexual Assault, First Degree (Offense date - August 13, 2001 and thereafter)	7
5 14 127	D	Sexual Assault, Fourth Degree (Offense date - July 16, 2003 and thereafter)	3
5 14 125	B	Sexual Assault, Second Degree (Offense date - August 13, 2001 and thereafter)	6
5 14 125	D	Sexual Assault, Second Degree (Offense date - July 16, 2003 and thereafter)	4

5 14 126	C	Sexual Assault, Third Degree (Offense date - August 13, 2001 and thereafter)	4
5 14 110	D	Sexual Indecency with a Child (Offense date - August 12, 2005 and thereafter)	4
5 14 110	D	Sexual Indecency with a Child (Offense date - August 13, 2001 and thereafter)	3
5 14 110	D	Sexual Solicitation of a Child (Offense date - July 28, 1995 - August 11, 2005)	3
5 74 106	Y	Simultaneous Possession of Drugs and Firearms	8
+ 5 15 105	U	Slander	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 74 203	B	Soliciting a Minor to Join a Gang (Second Offense) (Offense date - October 10, 1994 and thereafter)	6
5 74 203	C	Soliciting a Minor to Join a Gang (First Offense) (Offense date - October 10, 1994 and thereafter)	4
5 54 202	Y	Soliciting Material Support for Terrorism (Offense date - July 16, 2003 and thereafter)	8
+ 5 27 229	D	Soliciting Money/Property from Incompetent	3
+ 23 35 805	U	Spread False Report About Credit Union	1
5 71 229	B	Stalking First Degree	6
5 71 229	C	Stalking Second Degree	4
+ 26 37 205	D	Submitting Fraudulent Claim for Funds From Sale of Tax Delinquent Lands (Offense date - August 12, 2005 and thereafter)	2
5 51 202	U	Subversive Activities	4
+ 23 38 403	D	Suppressing Evidence/Building and Loan Associations (Offense date - July 30, 2006 and thereafter)	2
+ 5 54 121	C	Tampering With Courts Records (Offense date - July 30, 1999 and thereafter)	4
5 54 121	B	Tampering With/Breaking Into Court Records (Offense date - July 30, 1999 and thereafter)	6
+ 5 53 111	D	Tampering With Physical Evidence	4
+ 5 54 121	D	Tampering With Public Record - Wrongdoing	2
5 54 205	Y	Terrorism (Offense date - July 16, 2003 and thereafter)	10
5 13 301	D	Terroristic Threatening I	2
5 13 310	Y	Terroristic Act (Offense date - Prior to August 12, 2005)	8
5 13 310	Y	Terrorist Act (Offense date - August 12, 2005 and thereafter)	9
5 13 310	B	Terroristic Act	5
+ 5 36 106	B	Theft by Receiving	5
+ 5 36 106	C	Theft by Receiving	3
+ 5 36 103	B	Theft of Anhydrous Ammonia (Offense date - August 12, 2005 and thereafter)	5
5 73 108	B	Theft of Explosive Material w/Intent to Cause Harm (Offense date - August 12, 2005 and thereafter)	7

+ 5 36 115	B	Theft of Leased/Rented Property	4
+ 5 36 115	C	Theft of Leased/Rented Property	3
+ 5 36 115	D	Theft of Leased/Rented Property	2
+ 5 36 103	B	Theft of Property	5
+ 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	2
+ 5 36 103	D	Theft of Property During a Period of Emergency (Offense date - August 13, 2001 and thereafter)	3
+ 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 36 202	B	Theft of Public Benefits >\$2,500	5
+ 5 36 202	C	Theft of Public Benefits >\$200 <\$2,500	3
+ 5 36 104	B	Theft of Services	5
+ 5 36 104	C	Theft of Services	3
+ 5 36 303	B	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 303	C	Theft - Wireless Services (Offense date - August 1, 1997 and thereafter)	3
+ 5 36 303	C	Theft - Wireless Services communicate threats or injury by Bombing, Fire, Etc. (Offense date - July 16, 2003 and thereafter)	4
+ 5 36 304	B	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	5
+ 5 36 304	C	Theft - Wireless Services, facilitating (Offense date - August 1, 1997 and thereafter)	3
5 71 211	D	Threatening A Fire Bombing	2
5 53 201	B	Threatening A Judicial Official or Juror (Offense date - July 16, 2003 and thereafter)	5
5 53 202	C	Threatening A Judicial Official or Juror (Offense date - July 16, 2003 and thereafter)	4
5 38 202	D	Threatening to Cause a Catastrophe	2
+ 15 32 603	D	Timber Theft (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
+ 13 6 406	C	Trading or Collecting Skeletal Remains (Second Offense) (Offense date - July 30, 1999 and thereafter)	3
+ 5 56 101	D	Traffic in Illegal Food Coupons	2
+ 5 55 201	D	Traffic in Illegal Food Coupons or Vouchers (Offense date - July 30, 2006 and thereafter)	2
5 27 304	C	Transportation/Distribution of Material Depicting Child (First Offense)	4
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 51 201	A	Treason	6

+ 23 65 101	D	Unauthorized Insurance Transactions (Offense date - July 16, 2003 and thereafter)	2
+ 16 22 501	D	Unauthorized Practice of Law (Second Offense) (Offense date - August 1, 1997 and thereafter)	2
+ 12 12 1008	D	Unauthorized Use of Criminal History	1
5 74 105	B	Unauthorized Use Property to Facilitate Crime	5
+ 5 41 205	D	Unlawful Acts Involving Electronic Mail (Offense date - August 13, 2001 and thereafter)	3
+ 5 41 202	C	Unlawful Acts Regarding Computers - Damage > \$500 (Offense date - August 13, 2001 and thereafter)	3
+ 4 56 102	C	Unlawful Acts Relating to Secured Interests on Farm Products (Offense date - July 30, 2006 and thereafter)	3
+ 5 41 203	C	Unlawful Interference with Access to Computers (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 403	D	Unlawful Possession of Theft Detection Device Remover (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 73 108	C	Unlawful Receipt or Possession of Explosive Material (Offense date - August 12, 2005 and thereafter)	5
+ 5 36 404	D	Unlawful Removal of Theft Detection Device (Offense date - August 13, 2001 and thereafter)	2
+ 26 57 241	D	Unlawful Reuse of Containers (Offense date - July 30, 2006 and thereafter)	2
+ 5 41 204	D	Unlawful Use of Encryption (Offense date - August 13, 2001 and thereafter)	3
+ 5 36 401	D	Unlawful Use of Theft Detection Shield Device (Offense date - August 13, 2001 and thereafter)	2
+ 5 66 117	D	Unlawful Wagering on Horse Racing	1
+ 27 101 701	D	Unlawfully Possessing Boating Equip with Unreadable Boating Identification Number (Offense date - August 12, 2005 and thereafter)	2
+ 17 16 102	D	Unlicensed Athletic Agent (Offense date - July 30, 1999 and thereafter)	1
5 54 209	D	Use of a Hoax Substance (Offense date - July 16, 2003 and thereafter)	3
* 16 93 302	D	Using First Offender Program a Second Time (Offense date - July 30, 2006 and thereafter)	2
+ 5 37 212	C	Using Slugs - Over \$100	1
5 51 204	B	Usurping Government	4
5 51 203	B	Usurping Office	4
5 11 105	C	Vehicular Piracy	4
* 5 16 101	D	Video Voyeurism (Offense date - July 30, 1999 and thereafter)	3
+ 8 4 201	U	Violate Law Regulating Pollution Control Commission	2
23 39 105	B	Violate Mortgage Loan Co/Loan Broker Act	3
+ 7 6 104	U	Violate Political Practices Act	1
+ 21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2

+ 16 84 114	D	Violation of Bail Bond Agent Law (Offense date - July 3, 1999 and thereafter)	2
+ 23 78 104	D	Violation of Burial Association Law (Offense date - August 12, 2005 and thereafter)	2
+ 2 17 204	D	Violation of Grain Warehouse	1
+ 5 55 103	B	Violation of Medicaid Fraud Act	4
+ 5 55 103	C	Violation of Medicaid Fraud Act	3
5 14 120	C	Violation of a Minor I (Offense date - prior to August 13, 2001)	4
5 14 121	D	Violation of a Minor II (Offense date - prior to August 13, 2001)	3
+ 17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
5 73 204	U	Violation of Uniform Machine Gun Act	7
+ 18 29 204	D	Violation of Unused Property Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
5 74 108	A	Violent Group Activity, Enhanced	8
5 74 108	B	Violent Group Activity, Enhanced	7
5 74 108	C	Violent Group Activity, Enhanced	5
5 74 108	D	Violent Group Activity, Enhanced	3
5 74 108	Y	Violent Group Activity, Enhanced	9
5 16 102	D	Voyeurism (Offense date - August 12, 2005 and thereafter)	4
5 26 301	B	Wife Battering I (Offense date - prior to July 28, 1995)	8
5 26 302	D	Wife Battering II (Offense date - prior to July 28, 1995)	4
+ 5 53 108	C	Witness Bribery	4
+ 11 9 106	D	Workers' Compensation Fraud (Employee Misrepresentation)	2
+ 11 9 107	D	Workers' Compensation Fraud (Employer Misrepresentation)	2

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
# 5 38 202	Y	Causing a Catastrophe (Offense date - July 16, 2003 and thereafter)	10
5 54 205	Y	Terrorism (Offense date - July 16, 2003 and thereafter)	10
5 54 208	Y	Exposing Public to Toxic Biological, Chemical or Radioactive Substances (Offense date - July 16, 2003 and thereafter)	10
<u>LEVEL 9</u>			
5 10 101	Y	Capital Murder - Attempt to Commit (Offense date - August 12, 2005 and thereafter)	9
5 10 101	A	Capital Murder- Attempt/Conspiracy/Solicitation (Attempt to Commit Offense date - Prior to August 12, 2005)	9
5 10 103	A	Murder II (Offense date - August 12, 2005 and thereafter)	9
5 13 210	Y	Introduction of C/S into Body to Commit Sexual Offense (Offense date - July 30, 1999 and thereafter)	9
5 13 310	Y	Terrorist Act (Offense date - August 12, 2005 and thereafter)	9
# 5 14 103	Y	Rape	9
# 5 38 202	Y	Causing a Catastrophe (Offense date - Prior to July 16, 2003)	9
5 54 202	Y	Providing Material Support for a Terrorist Act (Offense date - July 16, 2003 and thereafter)	9
5 64 405	Y	Continuing Criminal Enterprise (Offense date - July 30, 2006 and thereafter)	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 (Offense date - Prior to August 12, 2005)	8
# 5 11 102	Y	Kidnapping	8
5 11 108	A	Human Trafficking (Offense date - August 12, 2005 and thereafter)	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) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	8
5 26 303	B	Domestic Battering I (Offense date - July 28, 1995 and thereafter)	8
5 27 303	A	Engaging Child in Sex Explicit (Subsequent Offense) (Offense date - July 16, 2003 and thereafter)	8
5 27 605	A	Computer Exploitation of a Child - First Degree (Second and Subq. Offense) (Offense date - July 16, 2003 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 54 202	Y	Soliciting Material Support for Terrorism (Offense date - July 16, 2003 and thereafter)	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 - July 15, 2003)	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 54 203	A	Making a Terrorist Threat (Offense date - July 16, 2003 and thereafter)	7

5 54 207	B	Hindering Prosecution of Terrorism (Offense date - July 16, 2003 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 73 108	B	Criminal Possession of Explosive Material or Destructive Device (Offense date - August 12, 2005 and thereafter)	7
5 73 108	B	Theft of Explosive Material w/Intent to Cause Harm (Offense date - August 12, 2005 and thereafter)	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 27 230	B	Exposure of Child to Chemical Substance or Meth, Ingest, Inhale With Injury (Offense date - July 16, 2003 and thereafter)	6
5 27 303	B	Engaging Child in Sex Explicit (First Offense) (Offense date - July 16, 2003 and thereafter)	6
5 27 303	B	Engaging Child in Sex Explicit (Subsequent Offense) (Offense date - Prior to July 16, 2003)	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 6 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 27 605	B	Computer Exploitation of a Child - First Degree (First Offense) (Offense date - July 16, 2003 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 and thereafter)	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) (Or To a Pregnant Woman - Offense date - July 16, 2003 and thereafter)	5
5 27 221	C	Permitting Child Abuse	5
5 27 303	C	Engaging Child in Sex Explicit (First Offense) (Offense date - Prior to July 16, 2003)	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 - July 15, 2003)	5
5 27 605	C	Computer Exploitation of a Child - Second Degree (Offense date - July 16, 2003 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 53 202	B	Threatening a Judicial Official or Juror (Offense date - July 16, 2003 and thereafter)	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 54 204	B	Falsely Making a Terrorist Threat (Offense date - July 16, 2003 and thereafter)	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 64 403	B	Fraud - Noncontrolled Substance Rep. As Controlled Substance Schedule I or II (Offense date - July 30, 2006 and thereafter)	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 Possession of Explosive Material or Destructive Device (Offense date - Prior to August 12, 2005)	5
5 73 108 C	Criminal Distribution of Explosive Material (Offense date - August 12, 2005 and thereafter)	5
5 73 108 C	Possession of Stolen Explosive Material (Offense date - August 12, 2005 and thereafter)	5
5 73 108 C	Unlawful Receipt or Possession of Explosive Material (Offense date - August 12, 2005 and thereafter)	5
5 73 109(b)B	Furnishing Illegal Weapon to Minor (Offense date - August 12, 2005 and thereafter)	5
5 73 129 B	Furnishing Deadly Weapon to Felon (Offense date October 10, 1994 and thereafter)	5
5 73 132 B (<i>Sup pp. 75</i>)	Sale, Rental, or Transfer of Firearm to Prohibited Person (Offense date - July 30, 1999 and thereafter)	5
5 73 133 B	Furnishing a Taser Stun Gun to Person <18 (Offense date - August 12, 2005 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 14 125 D	Sexual Assault, Second Degree (Offense date - July 16, 2003 and thereafter)	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 14 129 D	Registered Sex Offender Working with Children (Offense date - August 12, 2005 and thereafter)	4
5 16 102 D	Voyeurism (Offense date - August 12, 2005 and thereafter)	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 27 230	C	Exposure of Child to Chemical Substance or Meth, Ingest, Inhale, Have Contact With (Offense date - July 16, 2003 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 - July 15, 2003)	4
	5 28 103	D	Abuse of Adults	4
+	5 36 115	B	Theft of Leased/Rented Property	4
+	5 36 303	C	Theft - Wireless Services Communicate Threats or Injury by Bombing, Fire, Etc. (Offense date - July 16, 2003 and thereafter)	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 53 202	C	Threatening a Judicial Official or Juror (Offense date - July 16, 2003 and thereafter)	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 54 207	D	Hindering Prosecution of Terrorism (Offense date - July 16, 2003 and thereafter)	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 64 403	C	Fraud - Noncontrolled Substance Rep. As Controlled Substance Schedule I, II, or III (Offense date - July 30, 2006 and thereafter)	4
+ 5 64 403	C	Fraud - Noncontrolled Substance Rep as Controlled Substance Schedule IV (Offense date - July 30, 2006 and thereafter)	4
+ 5 64 403	C	Fraud - Noncontrolled Substance Rep. as Controlled Substance Schedule V (Offense date July 30, 2006 and thereafter)	4
+ 5 64 403	C	Advertise to Promote sale of Counterfeit Substances or Objects to Use as Drug Paraphernalia (Offense date - July 30, 2006 and thereafter)	4
+ 5 65 111	U	DWI, Violation of Omnibus Act (Fifth Offense) (Offense date - July 30, 2006 and thereafter)	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 - August 11, 2005)	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
12 12 923	C	Altering, Tampering, Damaging, or Destroying Electronic Equip Worn by Sex Offender (Offense date - April 7, 2006 and thereafter)	4
+ 13 6 408	C	Desecration of Burial Grounds (Offense date - July 30, 1999 and thereafter)	4
* 20 16 1002	C	Human Cloning (Offense date - July 16, 2003 and thereafter)	4
+ 20 64 304	U	Fraud Obtaining Depressant or Stimulant Drug (Third or Subsequent Offense) (Offense date - July 30, 2006 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
+ 4 56 102	C	Unlawful Acts Relating to Secured Interests on Farm Products (Offense date - July 30, 2006 and thereafter)	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 14 127	D	Sexual Assault, Fourth Degree (Offense date - July 16, 2003 and thereafter)	3
5 14 128	D	Registered Sex Offender Residing within 2000' of Certain Facilities (Offense date - July 16, 2003 and thereafter)	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) (Or To a Pregnant Woman - Offense date - July 16, 2003 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 54 209	D	Use of a Hoax Substance (Offense date - July 16, 2003 and thereafter)	3
+ 5 55 103	C	Violation of Medicaid Fraud Act	3
+ 5 55 103	C	Illegal Medicaid Participation (Third and Subsequent Offense) (Offense date - July 16, 2003 and thereafter)	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 64 404	C	Communication Facility, Illegal Use of (Offense date - July 30, 2006 and thereafter)	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 with 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	C	Communicating False Alarm if Physical Injury Results (Offense date - July 16, 2003 and thereafter)	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
* 5 75 102	D	Aircraft DWI, Flight Crew (Offense date - July 16, 2003 and thereafter)	3
+ 6 13 710	C	Fraudulent Use of Funds by School District Treasurer or School Board Member (Offense date - July 30, 2006 and thereafter)	3
8 7 204	U	Hazardous Waste/Violation of Provisions	3
+ 9 9 206	C	Accepting Compensation for Adoption	3
+ 11 10 723	C	Knowingly Evading Payment of Unemployment Insurance Tax (Offense date - August 12, 2005 and thereafter)	3

+ 12 12 504	D	False Allegations of Child Abuse (Second Offense) (Offense date - August 1, 1997 and thereafter)	3
12 12 904	C	Sex Offender Failing to Register (Offense date - April 7, 2006 and thereafter)	3
12 12 904	C	Sex Offender Failure or Refusal to Provide Information (Offense date - April 7, 2006 and thereafter)	3
12 12 906	C	Failing to Register Sex Offender Name Change (Offense date - April 7, 2006 and thereafter)	3
12 12 923	C	Sex Offender Not Reporting for Electronic Monitoring (Offense date - April 7, 2006 and thereafter)	3
* 12 12 1110	D	Refusal to Provide DNA Sample (Offense date - July 16, 2003 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
+ 20 64 304	U	Fraud Obtaining Depressant or stimulant Drug (Second Offense) (Offense date - July 30, 2006 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
+ 27 101 701	C	Fraudulent Use of, or Altering Boat Identification Number (Offense date - August 12, 2005 and thereafter)	3

LEVEL 2

+ 3 3 202	D	Sale of Alcoholic Beverage to Minor	2
+ 4 59 301	D	Issuance of Bill for Goods Not Received (Offense date - July 30, 2006 and thereafter)	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 (Offense date - prior to July 28, 1995)	2
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 55 103	D	Illegal Medicaid Participation (Second Offense) (Offense date - July 16, 2003 and thereafter)	2
+ 5 55 104	D	Non-Maintenance of Medicaid Records	2
+ 5 55 201	D	Traffic in Illegal Food Coupons or Vouchers (Offense date - July 30, 2006 and thereafter)	2
+ 5 55 203	D	Illegal Presentation of Food Coupons or Vouchers for Payment (Offense date - July 30, 2006 and thereafter)	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 (Offense date - August 1, 1997 and thereafter)	2
+ 5 62 124	D	Bear Exploitation	2
+ 5 64 401	D	Possession Control/Counterfeit Substance W/O Prescription (Second Offense)	2
+ 5 64 401.8	D	Possession/Etc. Counterfeit Substance w/Intent Unclassified Schedule	2
+ 5 64 402	D	Failure to Keep Records, Etc. Drugs	2
+ 5 64 403	D	Non-controlled Substance Rep as Class Controlled Substance	2
+ 5 64 802	D	Conduct Illegal Drug Paraphernalia Business (Second Offense)	2
+ 5 64 1101	D	Possess> 5 grams Ephedrine (Offense date - August 1, 1997 and thereafter)	2
+ 5 64 1102	D	Possess With Intent to Manufacture (Offense date - August 1, 1997 and thereafter)	2
+ 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 71 210	D	Communicating False Alarm Damage to Property Results (Offense date - July 16, 2003 and thereafter)	2
* 5 71 210	D	Communicating False Alarm if No Damage or Physical Injury Results, Second or Subsequent Offense (Offense date - July 16, 2003 and thereafter)	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 (Offense date - prior to October 10, 1995, <u>no</u> Class B during this period)	2
+ 5 73 103	D	Possession Firearm by Certain Persons (Prior crime non-violent <u>and</u> present use mere possession. Offense date - July 28, 1995, and thereafter)	2
+ 5 73 106	D	Defacing a Firearm	2
+ 5 73 107	D	Possession of Defaced Firearm, Serial Number Irretrievable (Offense date - July 28, 1995 and thereafter)	2
* 5 73 119	D	Possession of Firearm by Juvenile Delinquent (Offense date - October 10, 1994 and thereafter)	2
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 1 104	D	Preventing a Person From Voting (Offense date - July 16, 2003 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 12 620	D	False Allegation Under Adult and Long-term Care Facility Resident Maltreatment Act (Subsequent Offense) (Offense date - August 12, 2005 and thereafter)	2
12 12 904	D	Sex Offender Failing to Register (Offense date - August 1, 1997 - April 6, 2006)	2
12 12 906	D	Failing to Register Sex Offender Name Change (Offense date - August 13, 2001 - April 6, 2006)	2
12 12 923	D	Sex Offender Filing False Certificate of Indigency (Offense date - April 7, 2006 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
* 16 93 302	D	Using First Offender Program a Second Time (Offense date - July 30, 2006 and thereafter)	2
+ 17 40 104	D	Violation of Private Investigator Law (Second Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 17 42 105	D	Acting as Real Estate Broker Without a License (Offense date - July 30, 2006 and thereafter)	2
+ 18 29 204	D	Violation of "Unused Property" Act (Third Offense) (Offense date - July 30, 1999 and thereafter)	2
+ 20 64 304	U	Fraud Obtaining Depressant or Stimulant Drug (First Offense) (Offense date - July 30, 2006 and thereafter)	2
+ 21 1 405	D	Violation of Act Regulating State Employment (Offense date - July 30, 1999 and thereafter)	2
+ 23 35 801	D	Misleading Conduct or Use of Words "Credit Union" (Offense date - July 20, 2006 and thereafter)	2
+ 23 38 403	D	Suppressing Evidence/Building and Loan Associations (Offense date - July 30, 2006 and thereafter)	2
+ 23 42 507	D	Securities Fraud	2
+ 23 60 109	D	False or Misleading Statements/Arkansas Insurance Code (Offense date - July 30, 2006 and thereafter)	2
+ 23 65 101	D	Unauthorized Insurance Transactions (Offense date - July 16, 2003 and thereafter)	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
+ 23 78 104	D	Violation of Burial Association Law (Offense date - August 12, 2005 and thereafter)	2
+ 26 37 205	D	Submitting Fraudulent Claim for Funds From Sale of Tax Delinquent Lands (Offense date - August 12, 2005 and thereafter)	2
+ 26 57 241	D	Unlawful Reuse of Containers (Offense date - July 30, 2006 and thereafter)	2
+ 27 14 2210	D	Buying or Selling Vehicle W/O Manf. Serial Number Second or Subq. Offense (Offense date - July 16, 2003 and thereafter)	2
+ 27 14 2211	C	Altering, Changing Engine Numbers (Offense date - July 16, 2003 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
+ 27 101 701	D	Knowingly Buying, Selling, Possessing, etc. Boating Equipment Without Identification Number (Second or Subsequent Offense) (Offense date - August 12, 2005 and thereafter)	2
+ 27 101 701	D	Unlawfully Possessing Boating Equip with Unreadable Boating Identification Number (Offense date - August 12, 2005 and thereafter)	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 8 209	D	Sale or Furnishing Place for Sale in dry Territory (Offense date - July 30, 2006 and thereafter)	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 Overthrow Government	1
+ 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 (Offense date - August 1, 1997 and thereafter)	1
+ 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	Unlicenced Athletic Agent (Offense date - July 30, 1999 and thereafter)	1
+ 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 (Offense date - July 30, 1999 and thereafter)	1
+ 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.

Related Information

Frequently Asked Questions

Critical Data Elements on Commitment Forms

Criminal Justice Related Agencies

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Frequently Asked Questions (FAQs)

Commitment and Dispositions Forms

See A.C.A.16-90-402

Who is responsible for judgment and commitment forms?

Accurate commitment forms are essential for the Department of Correction to determine how long to keep a particular offender on a particular offense and when he may be eligible for release. A uniform form is the responsibility of the Department of Correction, the Arkansas Judicial Council and the Arkansas Prosecuting Attorneys' Association. The Arkansas Supreme Court adopted Administrative Order Number 8 - Forms for Reporting Case Information in all Arkansas Trial Courts on February 26, 1996. This Order makes the office of the prosecuting attorney responsible for completion of Judgment and Commitment and Judgment and Disposition forms.

Following submission to the circuit judge for his signature, these forms are filed with the circuit clerk and a copy forwarded to the Administrative Office of the Courts. A certified copy of a Judgment and Commitment is to be delivered by the sheriff with the defendant to the Department of Correction.

Which form do I use: Judgment and Commitment or Judgment and Disposition?

Use a Judgment and Commitment form for a term of incarceration in the Department of Correction or a judicial transfer to a Department of Community Correction Regional Correctional Facility.

Use a Judgment and Disposition form for all other types of sanctions including: 1) a term of probation, 2) probation plus a term of incarceration in a Regional Correctional Facility (Probation Plus), 3) suspended imposition of sentence, 4) fines, 5) any other type of alternative sanction that does not involve a term of incarceration in a Department of Correction prison unit or a Department of Community Correction Regional Correctional Facility pursuant to a Judicial Transfer.

Critical data elements on Commitment forms which are often omitted or incorrect

It is critical that judgment and commitment forms are accurately prepared. The DOC intake procedure includes faxing a copy of completed, signed commitment forms to them for the offender to be placed on the waiting list. The forms are checked for sufficiency and omissions need to be corrected before the DOC can take custody of an offender. Training is available from the Sentencing Commission staff on completing forms.

The following data elements are often omitted or incorrect and result in amendments being necessary and delays incurred. *This is not an all inclusive list, but is prepared for form instruction purposes only.*

1. Offense date - release laws are determined by the date of the offense. Without an offense date, release eligibility cannot be determined.
2. Offense classification - release eligibility may be determined by the offense class
Transfer eligibility - whether an offense is above or below the transfer eligibility line may be determined by the class of the offense
Drug offenses - the schedule of the drug may affect the class and release eligibility

Inchoate offenses - solicitation, attempt and conspiracy are one class lower than the substantive crime which may affect their release eligibility
Misdemeanors - persons cannot be committed to the DOC for misdemeanors,

3. Inchoate offenses - citing the inchoate statute without the substantive offense does not give sufficient information on why the person is being committed,
4. Total time to serve - this is necessary to determine how long the offender is to be held - it is especially important to avoid problems when additional suspended sentences are imposed and when multiple counts or cases are run consecutively,
5. Criminal History Scores - missing or inaccurate criminal history scores could cause perceived disparities where none exist.
6. Departure reports - without a departure report, an offender whose offense was committed *prior to July 1, 2005*, may be released early.

Admission Problems with Department of Correction

The commitment form provides the DOC with their legal basis for taking custody of an inmate. The basic information which they must have is: they have the right person (identification information - name, DOB, race, gender, etc); why they can keep him (his crime); how long to keep him (this sentence); when to release him (total time to serve); and the authority committing him (the court, the case, etc.). The requirement in Arkansas Code Annotated § 16-93-1208(a)(2)(A) that “written reason” for a departure accompany a sentence or the inmate is eligible for transfer or release pursuant to the presumptive sentence has been deleted pursuant to Act 186 of 2005. However, departure reports are still required to accompany the sentence for crimes occurring before July 1, 2005 (the effective date of the Act).

Admission Problems with Department of Community Correction

Offenders being sent to DCC facilities must be target offenders and must not have been disqualified by prior felony convictions of a violent or sexual nature to be accepted in a facility. Local DCC officers will determine eligibility of an offender if contacted prior to sentencing. Different forms are used for the two types of admission: (1) Judgment and Disposition Orders are used for a term of confinement imposed as a condition of probation and (2) Judgment and Commitment forms are used for a “judicial transfer”. The DCC Court Referral Coordinator may be reached by telephone at (501) 682-9563.

“Judicial transfers” are commitments to the DOC with a transfer to the DCC by the judge. The offenders go directly to the DCC and are released from there. Commitments need to reflect a judicial transfer in three places:

1. “Defendant is assigned to...”
2. “Defendant committed a target offense...”
3. “The County Sheriff is hereby ordered...”

Departure Report Forms

When do you use them and when do you not? Where do they go?

Act 186 of 2005 affects the use of departure reports for crimes occurring after July 1, 2005. For all crimes occurring after this date, the trial court may deviate from the presumptive sentence without providing a written justification. However, the Act provides that where there is an “agreed departure” from the presumptive sentence, “written reasons” shall be supplied by the parties to the court to attach to the commitment and to forward to the Sentencing Commission.

This may be a dispositional or a durational departure. It is only for the most serious count in a multiple count case. When using the Departure Form provided by the Arkansas Sentencing Commission, an aggravating reason should be marked if the sentence is an upward departure or a mitigating reason should be marked if the sentence is a downward departure. The parties are to supply the court with written reasons for the departure, or they may use the Arkansas Sentencing Commission Departure Form. The original should be filed with the court file. A copy of the written reasons/departure report, along with a copy of the Judgment and Commitment/Disposition form, should be sent to the Sentencing Commission. Most jurisdictions have either the prosecuting attorney’s office or the court clerk send the Commission a copy of the written reasons/departure report and the judgment and commitment/disposition form. Departure Reports are not required for revocation proceedings. However, the Judgment and Commitment form must state that this commitment is a result of a revocation (please see A.C.A. 16-90-803(a)(1)(B)). Please call the Sentencing Commission at (501) 682-5001 with questions concerning departure reports. In order to eliminate some of the time-consuming paperwork, the Sentencing Commission will continue to notify Prosecutor’s offices when a Departure Report has been unnecessarily prepared.

The following are the most common reasons for unnecessary Departure Reports and the statutory reference for each.

1. Imposed sentence is not a departure from the sentencing standards.
2. Imposed sentence is a result of Probation/SIS revocation. (Departure reasons are not necessary on revocations disposed after 8/13/2001). Please see A.C.A. 16-90-803(a)(1)(B).
3. Jury trial, jury sentenced. Please see A.C.A. 16-90-803(b)(4).
4. Mitigated departure not necessary when AS/RCF is available as the presumptive sentence. Please see A.C.A. 16-90-804(a)(2)(B).
5. Most severe offense was not a departure. Please see A.C.A. 16-90-804(a)(2)(A).
6. Felony DWI. Please see Arkansas Sentencing Standards Grid Policy Statements.
7. Capital murder. Please see A.C.A. 16-90-803(b)(5).
8. Offense was nol prossed or dismissed.

Is a Departure Report needed for a statutory override or an habitual offender?

Yes. Each class of crime has a penalty range set by the legislature which may be enhanced to a higher maximum when the offender is charged as an habitual. These statutory ranges are listed on the individual grids on pages 13 - 23. These minimum and maximum ranges govern over a presumptive sentence which falls below or above such ranges. See A.C.A. 16-90-803(b)(3)(C). More than one class of crime is present at most levels which may result in the presumptive sentence being too high or low for one offense without affecting offenses of a different class.

The Commission recognized that the mandatory prison sentence for felony DWI, which is ranked at level 3, is above the presumptive sentence. The sentencing standards grid does not recommend penitentiary time in the first two history score columns. The Commission has specifically recognized this exception and does not require a departure form for it.

Any other statutory override should be recorded on a departure form. The Commission adopted a modification of the form in October of 1995 to include this factor under the aggravated factor section. "Habitual offender status" may also be noted in the "Other Aggravated" factor space.

Release Eligibility

There are four levels and two standards for release eligibility. The four levels are: 1)100% of time served as defined at A.C.A. 16-93-609; 2) 70% time served as defined at A.C.A. 16-93-611; 3) one-half and 4)one-third time served with credit for good time as defined at A.C.A. 16-93-1301 and found on the sentencing grid.

Release Eligibility - Standards of Review with 1999 Amendments

The two standards are set out at A.C.A. 16-93-206(b)(2)(B) with the Post Prison Transfer Board being given greater discretion in their review of certain offenses. See A.C.A. 16-93-206(C). Act 1035 of 1999 added certain violent and sexual offenses and removed certain drug offenses. The crimes added are: Murder II, Manslaughter, Negligent Homicide, Sexual Abuse I, Battery I, Domestic Battery I, and Simultaneous Possession of Drugs and Firearms.

100% Time Served

Act 1805 of 2001, codified at A.C.A. 16-93-609, states: "Any person who commits a violent felony offense or any felony sexual offense subsequent to August 13, 2001, and who has previously pleaded guilty or nolo contendere to, or been found guilty of, any violent felony offense or any felony sexual offense shall not be eligible for release on parole by the board." This act defines a violent felony offense or any felony sex offenses as those offenses listed in A.C.A. 5-4-501(d)(2).

Whenever an inmate is admitted to the Department of Correction on one of the enumerated offenses, DOC policy is to conduct a criminal background check. If the background check reveals that the inmate has previously pleaded guilty or nolo contendere to, or been found guilty of one of the offenses listed in A.C.A. 5-4-501(d)(2), then the inmate's time calculation is set at 100% time served. In other words, an inmate sentenced to a five-year sentence must serve five years and a forty-year sentence must serve forty years.

70% Parole Eligibility

Certain offenses will serve 70% of their prison sentence without credit for good time. These offenses are noted on the grids. It is important that Manufacturing Methamphetamine and Drug Paraphernalia Used to Manufacture Methamphetamine be specifically noted on the Judgment and Commitment as it is a subset of the statute and the DOC will not know to apply this release criteria unless it is noted on the commitment. The Methamphetamine offenses were originally scheduled to sunset on April 30, 2002. However, Act 1782 of 2001 repealed the sunset provisions. (See A.C.A. 29-30-162 and 29-30-163). Act 717 of 1999 provides this statute may be waived for juveniles convicted as adults who were merely accomplices.

For persons who have been found guilty, pled guilty, or nolo contendere to the manufacture of methamphetamine or possession of drug paraphernalia with the intent to manufacture

methamphetamine and the offense occurred on or after August 12, 2005, Act 1034 of 2005 provides that the seventy-percent (70%) parole eligibility shall include credit for the award of meritorious good time under A.C.A. §§ 12-29-201 and 12-29-202. This does not apply if the person is sentenced to a term of life imprisonment. In no event shall the time served by these persons be reduced to less than fifty-percent (50%) of their original sentence. *Offenders sentenced for offenses committed prior to the effective date of this act are not subject to receiving good time.* Offenders sentenced to a Regional Correctional Facility via judicial transfer for Paraphernalia used to Manufacture Methamphetamine are still subject to 70% parole eligibility with good time that will not reduce time served to less than fifty-percent (50%) of their original sentence..

Habitual Offenders - “Two and Three Strikes”

The “two and three strikes” sections of the habitual offender statute, subsections (c) and (d), must also be specifically noted on commitments for the Department of Correction to be aware of their applicability.

Early release from prison

Are the offenders really being kept until their transfer eligibility dates?

Yes, the only exceptions are the Emergency Powers Act (A.C.A. 12-28-601 et seq.) and Boot Camp (A.C.A. 12-28-701 et seq.). Certain offenses are not eligible for boot camp and no offender with a sentence longer than ten years is eligible. Boot camp is a Department of Correction program, not a sentencing alternative. Therefore, eligibility for this program is determined both by statute and DOC programming requirements. Questions concerning eligibility to this program should be directed to the Department of Correction Boot Camp Coordinator.

The Emergency Powers Act was amended during the 2003 legislative session. Subsection (a) refers to early release of inmates when the capacity of the rated capacity of the Department reaches 98%. Inmates who meet the criteria set out in the statute may have their incarceration time shortened by no more than three months. Subsection (b) refers to an overcrowding condition when the count jail backlog exceeds 500. Inmates, who have been incarcerated in a Department of Correction facility for a minimum of six months and are serving a sentence for a nonviolent offenses as established by the board, may have their transfer eligibility date moved up one year. (Please refer to A.C.A. 12-28-604).

Act 346 of 1975 First Offender Act Codified at A.C.A.16-93-301 et seq.

What is it? How has it changed? Do the standards affect it? How often can it be used?

The “First Offender Act” applies to first offenders who are placed on probation and who are eligible for expungement upon successful completion of their probation term. In general, it has not changed significantly since its original enactment. The standards do not affect it. It can only be used once.

Act 378 of 1975 Alternative Service Act Repealed by identical Acts 531 and 548 of 1993; previously codified at A.C.A.16-93-501

What happened to it?

The “Community Punishment Act” repealed and replaced Act 378. The primary differences are that the Community Punishment Act affects “target offenders” and expungement is performed by the courts, not the Parole Board. Otherwise, the Department of Community Correction now offers confinement as an alternative to the prison beds run by the Department of Correction.

Act 998 of 1995 Expungement**Codified at A.C.A.16-90-901 et seq.*****When and how can a conviction be expunged?***

Clarification of when and how convictions may be expunged or sealed was addressed by this Act in 1995. It provides for new procedures which include a uniform petition and order developed by the Arkansas Crime Information Center. It is important that expungements are entered with all necessary information on a copy of the ACIC order for ACIC, the central repository of records, to know the correct record to seal.

Firearms, Expungement, and Pardons

No person shall possess a firearm who has been convicted of a felony. A.C.A. 5-73-103(a)(1). The Governor may restore this privilege with a pardon expressly restoring the right or without a pardon under certain circumstances. A.C.A. 5-73-103(d). An expunged conviction may serve as the basis for a conviction under this statute if the offense was committed after March 12, 1995. See Act 595 of 1995; see also Attorney General's Op. 2002-173.

Inchoate Crimes**Codified at A.C.A.5-3-101 et seq.*****How are inchoate crimes affected by the standards and Community Correction? How should inchoate crimes be listed on commitment forms?***

With the exception of capital murder, attempts, solicitations or conspiracies of a substantive crime are ranked one seriousness level below the substantive offense ranking on the grid. See A.C.A.16-90-803(b)(1)(E). This would have a dual effect for crimes just above the transfer eligibility line as crimes just below the line will be eligible for release sooner as well as having a different presumptive sentence. An inchoate crime for statutory classification purposes is classified one level below the substantive offense, i.e. an inchoate of a Class B offense is a Class C. See A.C.A.5-3-201, 301, and 404. This effect may be significant for eligibility for a Community Correction facility as Class Y controlled substance offenses are not eligible whereas Class A and B controlled substance offenses are now eligible. See A.C.A.16-93-1202. When filling out the Judgment and Commitment/Disposition form, list the substantive statute in "A.C.A. # of offense", (for instance, 5-10-102), and mark the correct conduct under "Defendant ___attempted___solicited___conspired to commit the offense."

Because capital murder was statutorily exempted for the sentencing standards, the related inchoate offenses were specifically ranked at seriousness level nine as Class A offenses. Act 1888 of 2005 classified Attempt to Commit Capital Murder as a Class Y offense. This offense is also ranked at a seriousness level nine.

Suspended Sentences**See A.C.A.5-4-104(e)(1)and (3)(Repl.1997)*****What does a suspended sentence mean when it is combined with a term of imprisonment and how should it be entered on a commitment form?***

A court may sentence a defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment. See A.C.A.5-4-104(e)(3) A court may not sentence a defendant to a term of imprisonment and place him on probation, *id.*, nor may a court suspend execution of a sentence. A.C.A.5-4-(e)(1)(B)(ii). An additional term which is suspended begins to run the day the defendant is lawfully set at liberty from the imprisonment. A.C.A.5-4-307(c). A term of imprisonment and a suspended imposition of an additional term should not be added together when entering the "sentence imposed" on a commitment form. For example, a ten-year sentence with five years suspended and five years to serve would be listed as "sentenced imposed = 60 months, suspended imposition of sentence = 60 months, and total time to serve = 60 months.

Can Class Y drug offenders be placed on probation?

Yes. See *Elders v. State*, 321 Ark. 60, 900 S.W.2d 170 (1995); *Stinnett v. State*, 63 Ark. App. 72, 973 S.W.2d 826 (1998). Confusion has arisen as A.C.A. 5-4-104(e)(1)(C) provides that Class Y felonies may not be suspended or placed on probation. Prior to Act 192 of 1993, A.C.A. 5-4-104(e)(1)(F) provided:

(e)(1) The court shall not suspend imposition of sentence as to a term of imprisonment nor place the defendant on probation for the following offenses:

(F) Drug related offenses under the Uniform Controlled Substances Act, 5-64-101 et seq. except to the extent that probation is otherwise permitted under subchapters 1-6 of chapter 64.

Act 192 of 1993 deleted (F). The *Elders* and *Stinnett* cases interpret Act 192 to mean that drug offenders can be placed on probation as they were removed from the prohibition in A.C.A. 5-4-104.

However, for habitual offenders please see *State v. Tiffany Terra Joslin* (SC, January 12, 2006) in which the court noted that “. . . under Arkansas Code Annotated 5-4-301, the law expressly states that the court shall not place a defendant on probation if it is determined that the defendant has been previously convicted of two or more felonies, in accordance with the habitual offender statute.”

DNA Detection of Sexual and Violent Offenders Act

Act 737 of 1997 set up a DNA database and a DNA data bank under the State Crime Laboratory to assist in “detecting recidivist acts.” A.C.A. 12-12-1102. Act 1470 amends the definition of “qualifying offenses” to mean “any offense as defined in the Arkansas Criminal Code §§ 5-1-101 et seq. or a sexual offense classified as a misdemeanor as defined by Arkansas Criminal Code §§ 5-1-101 et seq. or a repeat offense as defined in this section. It also makes refusal to provide a DNA sample a Class D felony.

Sex Offender Registration

Act 202 of 2001 amends A.C.A. 12-12-906(a)(1) and (c)(1). If the offender is sentenced to incarceration in the Department of Correction, it is the responsibility of DOC to assure that the offender completes the registration form. If the offender is adjudicated guilty but not incarcerated, the Department of Community Correction has the responsibility to assure that the offender completed the registration form. Offenders must provide a DNA sample.

Act 330 of 2003 makes provisions for placing information about levels 3 and 4 sex offenders on the State of Arkansas Internet home page. It also make it a Class D felony for level 3 or 4 sex offenders to reside within 2000' of property on which any public or private elementary or secondary school or daycare facility is located.

Victims Rights Act 1262 of 1997

See A.C.A.16-90-1101 (Repl. 1997)

What are the rights of victims?

Much of this Act has to do with the availability of information about an offender's case and any confinement. The Arkansas Crime Information Center received a grant to put in place a notification system which is called VINE. See A.C.A. 12-12-1201. This program completed implementation in July of 1999 and may be reached by calling 1-800-510-0415.

Crime Victims Reparations is covered at A.C.A.16-90-701 et seq.

Extended Juvenile Jurisdiction Act**A.C.A. 9-27-501 et.seq.**

This act provides for “blended sentencing,” and modifies existing juvenile jurisdictional statutes.

Sentencing News

The Commission staff sends out a biweekly news letter called “The Sentencing News.” This newsletter is emailed to all judges, prosecutors, public defenders and all other interested parties. The newsletter tracks U.S. Supreme Court, Arkansas Supreme Court and Arkansas Court of Appeals decisions that deal with sentencing. If you would like to receive this newsletter, please make us aware of your email address.

The Sentencing Commission is also involved in conducting two Continuing Legal Education Classes. The Administrative Training class provides three hours of CLE credit. This class answers questions regarding how to fill out Judgments and Commitments, Judgment and Dispositions, Departure Reports, and other paperwork. This class is offered for lawyers as well as support staff and court personnel.

Another class is the Sentencing Law Seminar. This class provides a total of five hours of CLE credit which includes one hour of legal ethics. Credit is also earned for a two-hour tour of the Central Arkansas Regional Correctional Facility. In addition to the tour and the ethics sections of the seminar, representatives from the Department of Correction, the Department of Community Correction, and the Post Prison Transfer Board teach segments relating to their areas of expertise. Contact the Commission office to register for either of these seminars.

Acts of 2005. Sentencing Changes

Numerous acts created new crimes, new classifications, new enhancements and new definitions. Some of these acts include Act 186 (clarifies that the sentencing guidelines are voluntary), Act 1034 (allows good time on 70% Methamphetamine offenses), Act 1532 (raises Murder II to a Class A felony), and Act 1888 (classifies Attempt to Commit Capital Murder as a Class Y felony. The new rankings have been incorporated into this book. You may also find information concerning sentencing guidelines at our web site: <http://www.arkansas.gov/asc/> or the Arkansas government homepage at <http://www.accessarkansas.org/asc>.

More Questions????

Call (501)682-5001 or
[e-mail:sandy.moll@arkansas.gov](mailto:sandy.moll@arkansas.gov)

Criminal Justice Related Agencies

Arkansas Sentencing Commission (ASC)

101 East Capitol, Suite 470
Little Rock, AR 72201
(501) 682-5001 Voice; (501) 682-5018 Fax.
Ms. Sandy Moll, Executive Director

Contact this agency for questions regarding the sentencing standards; to request Departure Reports; schedule training on sentencing standards, etc.

Administrative Office of the Courts (AOC)

Justice Building
625 Marshall
Little Rock, AR 72201
(501) 682-9400 Voice; (501) 682-9410 Fax
J. D. Gingerich, Director

Contact this agency for information on Judgment and Commitment/Disposition formats.

Arkansas Crime Information Center (ACIC)

One Capitol Mall
Little Rock, AR 72201
(501) 682-2222 Voice; (501) 682-7444
Charles Pruitt, Director

ACIC training, criminal history reports, fingerprinting information, sex offender registration, etc.

Arkansas Public Defender Commission (APDC)

101 East Capitol, Suite 201
Little Rock, AR 72201
(501) 682-9070 Voice; (501) 682-9073 Fax
Ms. Didi Sallings, Executive Director

Office of Prosecutor Coordinator (PCO)

Tower Building, Suite 750
323 Center Street
Little Rock, AR 72201
(501) 682-3671 Voice; (501) 682-5004 Fax
Bob McMahan, Prosecutor Coordinator

Correctional Agencies

Board of Correction

P. O. Box 8707
Pine Bluff, AR 71617
(870) 267-6754
Dr. Mary Parker, Chairman
Contact: Ms. Shari Gray, Board secretary

Governing board for both the Department of Correction and the Department of Community Correction

Department of Correction (DOC or ADC)

P. O. Box 8707
Pine Bluff, AR 71617
(870) 267-6999
Larry Norris, Director

Department of Community Correction (DCC)

Atkins Building, 2nd Floor
105 West Capitol
Little Rock, AR 72201
(501) 682-9510 Voice; (501) 682-9513 Fax
G. David Gunthrap, Director
Court Referral Coordinator - (501) 682-9563

Release Authority

Parole Board

P. O. Box 34085
Little Rock, AR 72203
(501) 682-3850
Leroy Brownlee, Chairman

Request forms for executive clemency and pardons from this board.