

SERIOUSNESS LEVEL 5
Effective January 1, 1994

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

AS = Alternative Sanctions, CCC = Community Correction Center, ADC = ADC Facility Only
ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Common Level 5 Offenses (See Seriousness Reference Table for additional offenses and effective dates.)

5-26-202	C	Incest
5-37-201	B	Forgery I
5-38-301	B	Arson (=>\$5,000 <\$15,000 Damage)
5-39-201	C	Burglary - Commercial
5-54-105	B	Hindering Apprehension or Prosecution
5-54-119	B	Furnishing, Possessing or Using Prohibited Articles
5-54-120	C	Failure to Appear
5-64-419(b)(1)(C)	B	Possession of Controlled Substance – Schedule I or II Methamphetamine or Cocaine =>10 g <200 g
5-64-419(b)(5)(D)	C	Possession of Controlled Substance – Schedule VI =>10 lbs <25 lbs
5-64-436(b)(4)	B	Possession of Schedule VI Controlled Substance with Purpose to Deliver =>25 lbs <100 lbs
5-64-438(b)(4)	B	Delivery of Schedule VI Controlled Substance =>25 lbs <100 lbs
5-64-439(b)(4)	B	Manufacture of Schedule VI Controlled Substance =>25 lbs <100 lbs
5-73-103(c)	B	Possession of Firearm by Certain Person

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 Level 5 offenses and statutory ranges (shown in years):

<u>Class</u>	<u>Normal Range</u>	<u>Habitual §(a)</u>	<u>Habitual §(b)</u>	<u>Habitual §(c)</u>	<u>Habitual §(d)</u>
B	5-20	5-30	5-40	40-80 or Life	30-60
C	3-10	3-20	3-30	n/a	25-40

See A.C.A. §§ 5-4-401 and 5-4-501.