



---

# Possible Topics for Guidelines Revisions

2012

# Exploring the Feasibility of Adding New Guidelines Offenses

---

## Examples:

- **Conspiracy to steal property with aggregate value over \$200 (§ 18.2-23(B))**
- **Larceny with intent to sell or distribute property (§ 18.2-108.01)**
  - **Property valued at \$200 or more**
  - **Property with aggregate value of \$200 or more**
- **Aggravated sexual battery, parent/grandparent with child age 13 to 17 (§ 18.2-67.3(A,3))**

# Examining New Crimes as Possible Additions to List of Violent Offenses in § 17.1-805

---

## Examples:

- **Strangulation (§ 18.2-51.6)**
- **Show child pornography or grooming video to a child (§ 18.2-374.4)**
- **Use force or threats to encourage membership in street gang (§ 18.2-46.3)**
- **Unlawfully kill the fetus of another (§ 18.2-32.2)**

# Examining the Feasibility of Refining Guidelines for Certain Offenses or Combination of Offenses

---

- **Cases involving burglary of a non-dwelling and multiple counts of grand larceny**
  - **Under guidelines rules, larceny is the primary offense**
  - **Scoring larceny as the primary offense returns a lower recommendation than if burglary were scored as the primary offense**

# Examining the Feasibility of Refining Guidelines for Certain Offenses or Combination of Offenses

---

- **Cases involving burglary with a weapon and malicious wounding**
  - **Under guidelines rules, burglary with a weapon is the primary offense**
  - **Scoring burglary as the primary offense returns a lower recommendation than if malicious wounding were scored as the primary offense**

# Examining the Feasibility of Refining Guidelines for Certain Offenses or Combination of Offenses

---

- **Cases involving involuntary vehicular manslaughter (§ 18.2-36.1)**
  - **Compliance for this offense is lower than the overall compliance rate and there is higher aggravation rate (32%)**
  
- **Cases involving multiple counts of certain drug offenses**
  - **In some circumstances, having multiple counts does not increase the guidelines recommendation**

# Examining the Feasibility of Refining Guidelines for Certain Offenses or Combination of Offenses

---

- Cases involving certain drug offenders with prior convictions for possession or distribution, etc., of a Schedule I or II drug
  - The factor on the guidelines for scoring prior drug convictions does not currently capture prior convictions for delivering a Schedule I or II drug to an inmate (§ 18.2-474.1)

## **Drug/Schedule I/II** ❖ **Section A**

SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS POSSESSION OF SCHEDULE I/II DRUG (§ 18.2-250(A,a))

◆ Two or More Prior Felony Convictions/Adjudications ————— If YES, add 2 → 

0	
---	--

  
For Possession, Possession with Intent, Distribution, Manufacture or Sale of Schedule I or II Drug

# Proposals for Guidelines Additions / Revisions

---

- **Proposals will reflect the best fit for the historical data**
- **Proposals will be designed to closely match the historical rate of incarceration in prison and jail**
- **Current guidelines worksheets serve as the base for scoring historical cases, but the points assigned to those factors may be adjusted and new factors may be added**