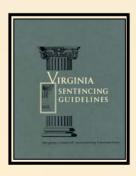


Administrative and Adding Offenses to Sentencing Guidelines

<u>Administrative</u>



Rule of Court



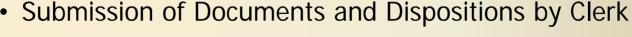
Rule of Court

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



Rule of Court

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





Modify Code of Virginia



Modify Code of Virginia

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



19.2-389.1. Dissemination of juvenile record information. —

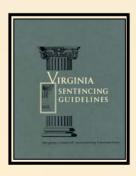
Record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial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

Modify Code of Virginia

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



Modify Code of Virginia



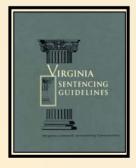
Pre-sentence Reports

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



Pre-sentence Reports

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



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

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

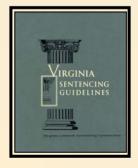
Amendments by Acts 2003, cc. 146, 613, effective July 1, 2003, added or deleted language as follows:

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

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

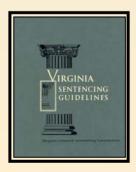
Pre-sentence Report

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



Adding New Offenses

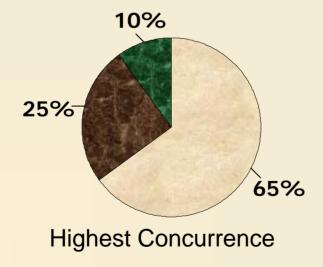
Sentencing Guidelines

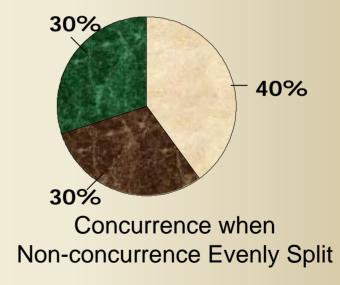


- Best Fit
 - Take Existing Worksheet
 - Incorporate New Offenses
 - Using Current Recommendation Tables



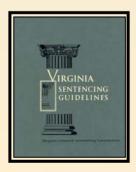
- Projected Judicial Concurrence
 - Score Cases Using Pre-Sentence Report
 - Recommendation With the Highest Concurrence Rate



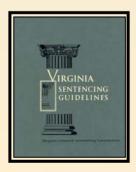




- Fraud
- Traffic
- Miscellaneous
- Weapons

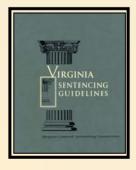


Fraud



Fraud

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



Uttering a Public Record

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



Uttering a Public Record

Background Sentencing Information

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

^{*} Number of Cases: 36 (5 years)



Fraud - Section A

Offender Name:

	Other than listed below	Littoring a Dublic Depart	
•	1 count	Ottorina a rabiic Necora	
	3 counts	11	
3.	Credit card theft		
	Welfare or food stamp fi		
).			
	·	。 	
	2 counts	2 8	
	Forging coins, checks o	r bank notes, or other writings; Uttering;	
	Making or possessing fo		
			Sco
	3 counts		▼
	Construction fraud		
	1 count		
			1 1
Pri	2 counts imary Offense Ad	Iditional Counts Total the maximum penalties for counts of the primary not scored above —	_
Pri	2 counts imary Offense Ad Years: Less th:		0
	2 counts imary Offense Ad Years: Less th: 40 or m	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
	2 counts imary Offense Ad Years: Less th: 40 or m	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5-14	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5-14 15-29	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	
	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5-14 15-29 30-39	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5-14 15-29 30-39	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	
Αd	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5-14 15-29 30-39 40 or m	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
Αd	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5 -14 15 - 29 30 - 39 40 or m	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
Αd	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5-14 15-29 30-39 40 or m ior Convictions/A Years: Less th	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
Αd	2 counts	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0
Αd	2 counts imary Offense Ad Years: Less th: 40 or m Iditional Offenses Years: Less th: 5 - 14 15 - 29 30 - 39 40 or m ior Convictions/A Years: Less th 2 - 7 8 - 17 18 - 24	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	
٩d	2 counts	Iditional Counts Total the maximum penalties for counts of the primary not scored above — an 40	0

Fraud - Section B

ι.	Other than listed	Uttering a Public Record	2		l
			2 		l
١.		(1 count)			
		stamp fraud (\$200 or more)			
	1 count		1		
			6		ı
	-	ecks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from			ı
	credit card (\$20	·	4	Sc	 -
				30	▼'
		necks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count)			Ť
				1.0	
	Construction fra	ee Additional Counts Total the maximum penalties for counts of the primary not scored	1 above —		1 1
	Construction fra nary Offens Years:	ee Additional Counts Total the maximum penalties for counts of the primary not scored successions.	1 above — 0		l
	Construction fra nary Offens Years:	ee Additional Counts Total the maximum penalties for counts of the primary not scored are seen as than 19	above — 0 1		⊥] •
	Construction fra nary Offens Years:	ud (1 count)se Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19	above — 0 1		
rim	Construction fra	ee Additional Counts Total the maximum penalties for counts of the primary not scored are seen as than 19	above — 0 1		l I
rim	Construction fra	ce Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19	above — 0 1 2 3		l I
rim	Construction fra nary Offens Years: litional Offe	se Additional Counts Total the maximum penalties for counts of the primary not scored: Less than 19 19 - 27 28 - 36 37 or more	above — 0 1 2 3		l I
rim	Construction fra nary Offens Years: litional Offe	ce Additional Counts Total the maximum penalties for counts of the primary not scored and the sessition of the sess	above — 0 2 3		
rim	Construction fra nary Offens Years: ditional Offe	se Additional Counts Total the maximum penalties for counts of the primary not scored: Less than 19 19 - 27 28 - 36 37 or more Less than 2 2 - 9	above — 0 3 0 3 0 3		
rim	Construction fra nary Offens Years: ditional Offe	se Additional Counts Total the maximum penalties for counts of the primary not scored at the session of the session of the session of the primary not scored at the session of t	above — 0 2 3		

Era			Sa	ction	
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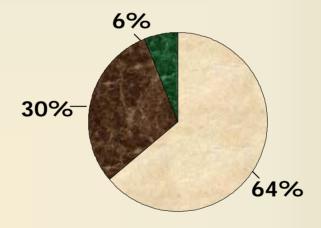
Offender Name:

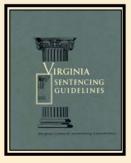
			<u>Cat I</u>	Cat II	<u>Other</u>	
Primary Offei	se - Utter	ing a Public Record	24	12	6	
A . Other than list		3				J
	1 count		24	12	6	
	2 counts		28	14	7	
	3 counts		40	20	10	
	4 counts		56	28	14	
B. Credit card the	ft (1 count)		36	18	9	
C. Welfare fraud	or food stamp fraud (\$20	00 or more)				
	1 count		12	6	3	
	2 counts		20	10	5	
 D. Forging coins, 	checks or bank notes; O	ther writings; Uttering;				
Making or pos	essing forging instrumer	nts				Score
	1 count		28	14	7	30016
	2 - 3 counts		32	16	8	
	4 counts		40	20	10	0
E. Construction f	aud (1 count)		36	18	9	`
Maximum Penalty: (years)	10,20				1	
Additional Of Maximum Penalty: (years)	Less than 10 10, 20 30	ts to <u>each</u> additional offense (including cour			1 2	
Prior Convicti Maximum Penalty: (years)	Less than 55, 10	1S <u>Assign</u> points to the 5 most recent and s			0	$\overline{}$
	30				3	0
	40 or more				4	

Uttering a Public Record

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

Concurrence:

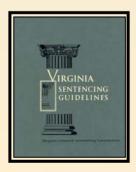




Recommendation 1

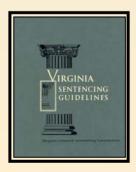
Add Uttering a Public Record § 18.2-168

Fraud



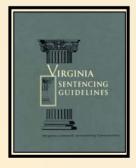
Fraud

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



Identity Fraud

- Background
- Added to Code of Virginia in 2000



Identity Fraud

Background Sentencing Information

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

^{*} Number of Cases: 51 (4 years)



Fraud - Section A

Offender Name: _____

	ary Offense —	Idontity Fraud	
4 . Ot	ner man listed below	Identity Fraud 6	
	2 counts	7	
	3 counts	11	
B . Cr	edit card theft		
	2 count		
C. We	elfare or food stamp fr		
	2 counts assing bad checks (\$2 edit card(\$200 or more		
	1 count	1	
E. Fo	s counts محمناه staina coins checks o		
	aking or possessing fo		
			Sco
	2 counts	3	000
F Go	ತ countsonstruction fraud	5	
		3	
Prima	_	Iditional Counts Total the maximum penalties for counts of the primary not scored above —— an 40	
		ore	
4:4 ۸	tional Offances	Total the manifestion in a conflict for additional efforces including accomb	
Auuit		Total the maximum penalties for additional offenses, including counts ————————————————————————————————————	
		an 5	
			▼
		ore 4	
Prior	Convictions/A	djudications Total maximum penalties for the 5 most recent and serious prior record events -	
		an 2	
		1	
		2	•
	20 - 35	4	0

Fraud - Section B

Years:

Offender Name:

4 .	Other than list	Identity Fraud	6		
	1 000111		2		
3.		oft (1 count)			
		d stamp fraud (\$200 or more)			
			1		
	2 count	3	6		
٥.	Passing badic	necks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from			1
	credit card (\$2	00 or more)			
				Sq	or
			-		
		3			<u>*</u>
	Forging coins, Construction f	s checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) and (1 count)	6 1 d above —	0	Ť 1
•	Forging coins, Construction f	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) and (1 count) see Additional Counts Total the maximum penalties for counts of the primary not score	6 1 d above — 0		Ť Į
•	Forging coins, Construction f	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) aud (1 count) see Additional Counts	6	0	Ť Į
	Forging coins, Construction f mary Offer Years:	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) see Additional Counts	6		
Pri	Forging coins, Construction f mary Offer Years:	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) see Additional Counts	d above — 0 1 2 3		Ĭ Į Į
Pri	Forging coins, Construction f mary Offer Years:	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) see Additional Counts	6 d above —0123		Ì Ì Ì
Pri	Forging coins, Construction f mary Offer Years:	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) and (1 count)			Ì Ì Ì
Pri	Forging coins, Construction f mary Offer Years:	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) and (1 count)			
Pri	Forging coins, Construction f mary Offer Years:	checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count) and (1 count)			

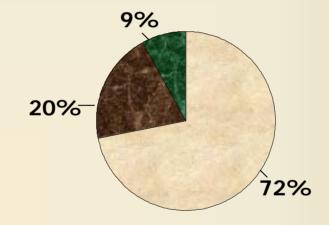
Fra	ud	-	50	ctio	n C
119	чч		JE	LUU	<i>1</i> 1

Offender Name:

			<u>Cat I</u>	Cat II	<u>Other</u>	
Primary Offer	nse —	Identity Fraud	36	18	9	
A. Other than list	ted below	<u> </u>				
			36	18	9	
C. Welfare fraud		p fraud (\$200 or more)				
			20	10	5	
		ank notes; Other writings; Uttering;				
Making or pos	ssessing forgi	ng instruments				Score
	1 count		28	14	7	▼
	2 - 3 coun	ls	32	16	8 _	- , *
						0
E. Construction f	fraud (1 coun	t)	36	18	9 L	<u> </u>
-		tional Counts Assign points for each co				—
Primary Offer Maximum Penalty: (years)	5	tional Counts <u>Assign</u> points for each co			0	+
Maximum Penalty: (years)	5		cluding counts) and total the	points ——	0 1 [0 1 2	+
Maximum Penalty: (years) Additional Of Maximum Penalty: (years)	5	A <u>ssian</u> points to <u>each</u> additional offense (inc	cluding counts) and total the	points ——	0 101 23 d total points0	
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Prior Convicti Maximum Penalty:	5	Assign points to <u>each</u> additional offense (inc 10	cluding counts) and total the	points ——	0 10123 d total points01	

Identity Fraud

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





Recommendation 2

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

Fraud



<u>Fraud</u>

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



False Application for Welfare

Background Sentencing Information

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

^{*} Number of Cases: 21 (5 years)



Fraud - Section A

Offender Name:	
----------------	--

	ense —									$\overline{}$
A. Other than I	sted below	False	Applicati	on for \	Welfare	Assist	ance	2		
I COL	TIL		• •						. 3	
2 cou	nts								. 7	
3 . Gredit card									' '	
									. 4	
2 cou	nts									
	ood stamp frai	•	,						_	
D . Passing bad			redit card fraud (\$:						. 0	
1 cou	nt								. 1	
			r other writings; Ut						. 8	
	ossessing forg		_	tering,						
									. 2	ا ج
2 cou	nts								. 3	Sco
									. 5	•
F. Construction										
2 co.	ntsense Add Less than	itional C		e maximum pe	enalties for cour	nts of the prin	nary not scor	ed abov	. 3 /e . 0	0
2 cou Primary Off Years:	ense Add Less than 40 or mor	itional C 40e	ounts <u>Total</u> th	e maximum pe	enalties for cour	nts of the prin	nary not scor	ed abov	. 3 /e . 0	0
2 cou Primary Off Years: Additional (ense Add Less than 40 or mor Offenses	itional C 40e Total the ma	ounts <u>Total</u> th	e maximum pe	enalties for cour	nts of the prin	nary not scor	ed abov	. 3 /e . 0 . 1	0
2 cou Primary Off Years:	ense Add Less than 40 or mor Offenses Less than	itional C 40 e Total the ma	ounts <u>Total</u> th	e maximum pe	enalties for cour	nts of the prin	nary not scor	ed abov	. 3 re . 0 . 1	0
2 cou Primary Off Years: Additional (ense Add Less than 40 or mor Offenses Less than 5 -14	itional C 40e Total the ma	ounts <u>Total</u> th	e maximum pe for additional	enalties for cour	nts of the prin	nary not scor	ed abov	. 0 . 0 . 1	0
2 cou Primary Off Years: Additional (ense Add Less than 40 or mor Offenses Less than 5 -14 15 - 29	itional C 40e Total the ma	ounts <u>Total</u> th	e maximum pe	enalties for cour	nts of the prin	nary not scor	ed abov	. 3 re . 0 . 1	0
2 cou Primary Off Years: Additional (ense Add Less than 40 or mor Dffenses Less than 5 -14 15 - 29 30 - 39	i tional C 40e Total the ma	ounts <u>Total</u> th	e maximum pe	enalties for cour	nts of the prin	nary not scor	ed abov	. 3 re 0 . 1 . 0 . 1 . 2 . 3	
2 cou Primary Off Years: Additional (Years:	ense Add Less than 40 or mor Offenses Less than 5 -14 15 - 29 30 - 39 40 or mor	itional C 40e Total the ma 5	ounts <u>Total</u> th	e maximum pe	enalties for cour offenses, inclu	nts of the prin	nary not scor	ed abov	. 3 /e	
2 cou Primary Off Years: Additional (Years:	Less than 40 or mor Offenses Less than 5 -14 15 - 29 30 - 39 40 or mor	itional C 40	ounts <u>Total</u> th	e maximum pe for additional num penalties	enalties for cour offenses, inclu for the 5 most	nts of the prinding counts	nary not scor	ed abov	. 3 re 0 . 1 . 0 . 1 . 2 . 3 . 4	
2 cou Primary Off Years: Additional (Years: Prior Convi	Less than 40 or mor Dffenses Less than 5-14 15 - 29 30 - 39 40 or mor ctions/Ad Less than 2 - 7	itional C 40 E Total the many 5 E Ijudication	ounts <u>Total</u> th	e maximum pe for additional	offenses, inclu	nts of the prin	nary not scor	ed abov	. 3 re 0 . 1 . 0 . 1 . 2 . 3 . 4 remarks = . 0 . 1	
2 cou Primary Off Years: Additional (Years: Prior Convi	ense Add Less than 40 or mor Dffenses Less than 5 - 14 15 - 29 30 - 39 40 or mor ctions/Ad Less than 2 - 7 8 - 17	itional C 40 e Total the man	ounts <u>Total</u> th aximum penalties ons <u>Total</u> maxin	e maximum pe for additional num penalties	enalties for cour offenses, inclu for the 5 most	nts of the prin	nary not scor	ed abov	. 3 re	
2 cou Primary Off Years: Additional (Years:	ense Add Less than 40 or mor Dffenses Less than 5 - 14 15 - 29 30 - 39 40 or mor ctions/Ad Less than 2 - 7 8 - 17 18 - 24	itional C 40	ounts <u>Total</u> th	e maximum pe for additional	offenses, inclu	nts of the prin	erious prior r	ed abov	. 3 re	

Fraud - Section B

Years:

4.	Other than lis	ted below False Application for Welfare Assistance 1		
	1 60411	tt	. 2	
3.		eft (1 count)		
3. 3.		od stamp fraud (\$200 or more)		
		t	1	
		ts		
٥.	Passing bad	checks (\$200 or more); Credit card fraud (\$200 or more); Receiving goods from		
	credit card (\$:	200 or more)		
	1 coun	t	4	Sco
	2 coun	tsts	7	
Ξ.	Forging coins	, checks or bank notes; Other writings; Uttering; Making or possessing forging instruments (1 count)	6	0
•	Construction	raud (1 count)	1 above —	0
•	Construction	raud (1 count)	1 above — 0	•
•	Construction	raud (1 count)	1 above — 0 1	
•	Construction	raud (1 count)	above — 0 1 2	0
•	Construction	raud (1 count)	above — 0 1 2	
Prir	Construction of the Constr	raud (1 count)	above — 0 1 2	
Prir	Construction mary Offer Years:	nse Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19	above — 0 1 2 3	
Prir	Construction of the Constr	nse Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19	above — 0 1 2 3	
Prir	Construction mary Offer Years:	nse Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19	above — 0 3 0 3	
Prir	Construction mary Offer Years:	nse Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19	above — 0 3 0 3 0 3	
Prir	Construction mary Offer Years:	fraud (1 count) nse Additional Counts Total the maximum penalties for counts of the primary not scored at Less than 19 19-27 28-36 37 or more frenses Total the maximum penalties for additional offenses, including counts Less than 2 2-9 10-18	above — 0 1 2 3	

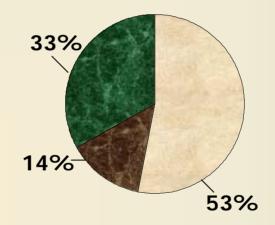
Fra	1	-	50	ctio	n C
ra	uu.		3e	CLIO	nc

Offender Name:

					<u>Cat I</u>	Cat II	<u>Other</u>	
Primary Offe	nse —	False	e Application	n for Welf	fare 12	6	3	
A. Other than lis			11					_
	1 count				24	12	6	
	2 counts				28	14	7	
	3 counts				40	20	10	
	4 counts				56	28	14	
B. Credit card th	eft (1 count	:)			36	18	9	
C. Welfare fraud								
					20	10	5	
D. Forging coins	, checks or b	oank notes; (Other writings; Uttering;					
Making or pos	ssessing forg	ging instrume	ents					Score
	1 count				28	14	7	30016
	2 - 3 cou	nts			32	16	8	
	4 counts				40	20	10	0
E. Construction	fraud (1 cou	nt)			36	18	9	
Maximum Penalty: (years)								
Additional Of Maximum Penalty: (years)	Less that 10, 20 30	n 10	nts to <u>each</u> additional o				1 2	
Prior Convict	ione/Adi						od total points	:
Maximum Penalty: (years)	Less thar 5, 10	ı 5	ONS <u>Assian</u> points to the				0 1	
	Less thar 5, 10 20	1 5					0 1 2	

False Application for Welfare

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





Recommendation 3

Add Make False Application for Welfare Assistance § 63.2-502

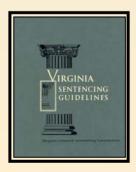
Recommendations

- Fraud
- Traffic
- Miscellaneous
- Weapons



Recommendation 4

Traffic



Traffic

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



Disregard Police Command to Stop

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

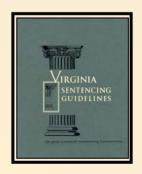


Disregard Police Command to Stop

Background Sentencing Information

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

^{*} Number of Cases: 566 (5 years)



Traffic/Felony → Section A

Offender Name:

Primary O	ffense	Disregard Police Command to Stop	5	
A . DWI - Thi	ird conviction	n within 5 years (1 count)	1	
B. DWI - Thi	ird conviction	n within 10 years (1 count)	1	
C. DWI-Fo	urth or subse	equent conviction within 10 years (1 count)	9	
D . Habitual (Offender: en offender for [dangerment, second or subsequent, or DWI and declared DWI, involuntary manslaughter (1 count)	9	
		nse after DWI, involuntary manslaughter, or DWI victim d (maiming) - endangerment (1 count)	9	
		nse after DWI, involuntary manslaughter or DWI victim I (maiming) and DWI etc. violation (1 count)	9	
G . Drive on i impaired	геvoked licer (maiming) -	nse after DWI, involuntary manslaughter or DWI victim permanently - second or subsequent (1 count)	9	Scor
H . Hit and ru	un, driver fail	ls to stop and aid victim		· ·
		ıntunts		0
Primary O Year	2 cou ffense A s: 5 - 7 8 - 18 19 - 2 29 - 3		above — 1 2 3 4	0
- Year:	2 cou ffense A s: 5 - 7 8 - 18 19 - 2 29 - 3 39 or	Additional Counts Total the maximum penalties for counts of the primary not scored a 3. 28. 38. 49. 40. 40. 40. 40. 50. 50. 50. 60. 60. 60. 60. 60. 60. 60. 60. 60. 6	above — 1 2 3 4	
Additional	2 cou ffense A s: 5 - 7 8 - 18 19 - 2 29 - 3 39 or I Offense cior Tr	additional Counts Total the maximum penalties for counts of the primary not scored a	above — above — 3 4	
Additional	2 cou ffense A s: 5 - 7 8 - 18 19 - 2 29 - 3 39 or I Offense cior Tr	additional Counts Total the maximum penalties for counts of the primary not scored at the second sec	above — above — 3 4	0

Traffic/Felony → Section B

Offender Name:

♦ Primary Offense

Disregard Police Command to Stop

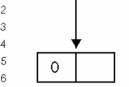




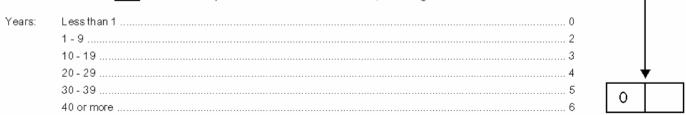


♦ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above

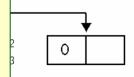




◆ Additional Offenses Total the maximum penalties for additional offenses, including counts ______



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

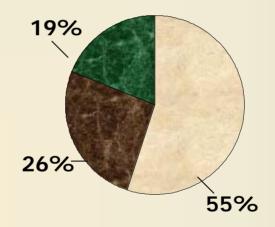


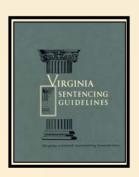
If YES \rightarrow add 1

ш	ffic/Fe	loi				Cat I	Cat II	Other	
		Г	Norgard [Dallas Ca	m m a m d	40	20	10	
Pri	imary Offen	se - L	Disregard F	Police Co	mmanu	40	20	10	<u> </u>
A.			nin 5 years (1 count)						_
В.			nin 10 years (1 count) .			20	10	5	
C.	DVVI - Fouπn c		nt conviction within 10			40	20	10	
D.			germent, second or sub		id declared				
	habitual offend		involuntary manslaugh			4.0		4.0	
E.	Drive on revok		after DWI, involuntary r					11	
		npaired (ma	iming) - endangermen	nt -					
		1 count							
F.	Deixo op sovole		off or DIAU involved on a			68	34	17	
۲.			after DWI, involuntary r aiming) and DWI etc. v		VI VICUITI				
	pormanomiy ii					40	20	10	
						68	34	17	
G.			after DWI, involuntary r		VI victim				
	permanently in		iming) - second or sub			40	20	40	Scor
									▼.
Н.	Hit and run, dri	iver fails to	stop and aid victim						0
		1 count				20	10	5 L	
_									
Pr	imary Oπen		tional Counts ∆			-		· -	is 🔻
Ma	aximum Penalty:	5, 10						1	
	(уеагѕ)							L	
A	dditional Of	fenses	<u>Assign</u> points to <u>eacl</u>	h additional offens	e (including count	s) and total th	e points ——		
Ma	ximum Penalty:	Less than	 1 5	_				0	
	(years)								. ↓
		40 or moi	e					5 L	<u> </u>
	VI Convictio	ons for (Current Event -						
D۷	nary Offense:	Habitual o	ffender or Drive on a r	evoked license with	DWI as additional	offense		11 🕝	▼
									0
	nary Oriense.	DWI fourth	1 OHEHSE						
	nary Oriense.		offense or Hit and run						_
Prin	ctim Injury								

Disregard Police Command to Stop

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



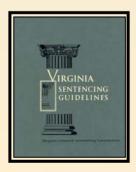


Recommendation 4

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

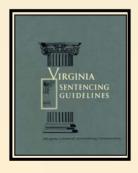
Recommendation 5

Traffic



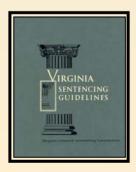
<u>Traffic</u>

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



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

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



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

Background Sentencing Information

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

^{*} Number of Cases: 99 (1 year)



Primary Offe	Hit and Run, \$1,000+ Property Damage	3	
A. DWI - Third	conviction within 5 years (1 count)	1	
B. DWI - Third	conviction within 10 years (1 count)	1	
DWI - Fourth	or subsequent conviction within 10 years. (1 count)	9	
	ender: endangerment, second or subsequent, or DWI and declared nder for DWI, involuntary manslaughter (1 count)	9	
	oked license after DWI, involuntary manslaughter, or DWI victim impaired (maiming) - endangerment (1 count)	9	
Drive on revo	oked license after DWI, involuntary manslaughter or DWI victim impaired (maiming) and DWI etc. violation (1 count)	9	
G. Drive on revo	oked license after DWI, involuntary manslaughter or DWI victim permanently aiming) - second or subsequent (1 count)	9	Scor
H . Hit and run, o	driver fails to stop and aid victim 1 count		0
_	ense Additional Counts Total the maximum penalties for counts of the primary not scored	above —	
Primary Offe Years:	ense Additional Counts Total the maximum penalties for counts of the primary not scored 5 - 7 8 - 18 19 - 28 29 - 38 39 or more	above — 1 2 3 4	0
Years:	5 - 7	above —12345	0
Years: Additional C Years:	5 - 7	above —12345	
Years: Additional C	5 - 7	above —12345	

Traffic/Felony → Section B

Offender Name: _____

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



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



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



Victim Injury —

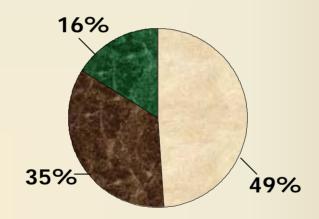
Threatened, emotional, or physical 2
Serious physical 3

Legally Restrained at Time of Offense –

aı	ffic/Fe	loi	<u>Cat I</u>	Cat II	<u>Other</u>	
		Litt and Dun Dra	20	10		
Pri	imary Offen	se Hit and Run, Pro	operty 20	10	5	
A.	DWI - Third co	viction within 5 years (1 count)	20	10	5	
В.		viction within 10 years (1 count)	20	10	5	
C.	DWI - Fourth o	subsequent conviction within 10 years 1 count	10	20	40	
		2 counts				
		3 counts				
D.	Habitual Offen	ler: endangerment, second or subsequent, c			11	
-		er for DWI, involuntary manslaughter	. Dividing goodies			
		1 count	40	20	10	
		2 counts	48	24	12	
		3 counts	68	34	17	
Ε.		ed license after DWI, involuntary manslaught	er, or DWI victim			
	permanently in	paired (maiming) - endangerment				
		1 count				
		2 counts				
F.	Daires and accept	3 counts		34	1/	
г.		ed license after DWI, involuntary manslaught npaired (maiming) and DWI etc. violation	er, or Dvvi victim			
	реппапения	1 count	40	20	10	
		2 counts				
		3 counts				
G.	Drive on revok	ed license after DWI, involuntary manslaught				
	permanently in	paired (maiming) - second or subsequent				٦ ا
		1 count				Score
		2 counts				▼
		3 counts	68	34	_	
Η.	Hit and run, dr	ver fails to stop and aid victim 1 count	20	4.0	ر ا و	
		1 Gourit	20	10		
Pr	imary Offer	se Additional Counts <u>Assign</u> point	ts to <u>each</u> count of the primary not scor	ed above and t	otal the points	_
M:	aximum Penaltv:	5, 10			1	
	(years)	9, 10				
	, ,	_				
A	dditional Oi	fenses <u>Assign</u> points to <u>each</u> additiona	al offense (including counts) and total th	ie points ——		
Ma	ximum Penalty:	Less than 5			0	
	(years)	5, 10				+
		20				
		30				
		40 or more		• • • • • • • • • • • • • • • • • • • •	5 L	
	VI Convictio	ns for Current Event ———				
D۷		Habitual offender or Drive on a revoked lice	neo with DWU as additional offense		44	
	nary Offense:				L U	
	nary Oriense.		s additional offense			
	nary Oriense.	DWI third offense or Hit and run with DWI a				
Prin	ctim Injury					

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

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



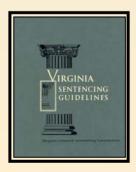


Recommendation 5

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

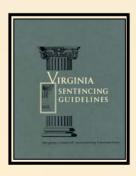
Recommendations

- Fraud
- Traffic
- Miscellaneous
- Weapons



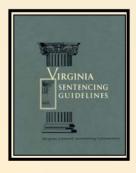
Recommendation 6

Miscellaneous



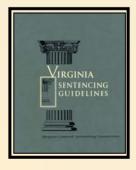
Miscellaneous

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



Threats

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



Threats

Background Sentencing Information

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

^{*} Number of Cases: 40 (5 years)



Miscellaneous - Section A

Offender Name: _____

Prim	nary Offen	Threats	3 –	
A . E	Burning of pers	sonal property, standing grain, etc., value \$200 or more		
		1 count	2	
		2 counts		
	_	bomb, burn or explode (1 count)	1	
C . (Child neglect/al			
		1 count		
D . F	Failure to anne	2 countsear in court for felony offense		
D . 1	allure to appe	1 count	1	
		2 counts		
E . F	Periurv, falselv	swear an oath (1 count)		
		Schedule III drug or marijuana by prisoner (1 count)		
		charge firearm, etc., in/at occupied building (1 count)		
		sawed-off shotgun (1 count)		
I. F	ossession of S	Schedule I or II drug while in possession of firearm (1 count)	4	[
J. F	Possession of f	firearm or concealed weapon by convicted felon		Score
		1 count	3	
		2 counts		
K . N	Maliciously sh	noot, throw missile at train, car, etc. (1 count)	1	
Prim	n ary Offen Years:	Se Additional Counts Total the maximum penalties for counts of the primary not soc 5-7 8-18 19-28 29-38 39 or more	1	0
Add	itional Off	fenses <u>Total</u> the maximum penalties for additional offenses, including counts ————		
	Years:	Less than 1	0	
		1 - 7	1	
		8 - 18	2	
		19 - 28	3	
		29-38	4	
		39 or more	5	سلت
Victi	im Injury -			
	,,			
		Threatened, emotional or physical	1	0
		Serious physical		

_ Primary offense other than child neglect/abuse __

operty, standing grain, etc., value \$200 or more (1 count) ourn or explode (1 count)	6	Scor
count)	6	Scor
count) urt for felony offense (1 count) un oath (1 count) e III drug or marijuana by prisoner (1 count) irearm, etc. in/at occupied building (1 count) eff shotgun (1 count) ed weapon - not firearm by convicted felon (1 count) by convicted felon (1 count)	17777	Scor
e III drug or marijuana by prisoner (1 count)	7 7 7 6	Scor
e III drug or marijuana by prisoner (1 count)	7 7 7 6	Scor
e III drug or marijuana by prisoner (1 count)	7 	Scor
rearm, etc. in/at occupied building (1 count)	7 6	Scor
ff shotgun (1 count)ed weapon - not firearm by convicted felon (1 count)	6 7	▼
ed weapon - not firearm by convicted felon (1 count)	7	*
by convicted felon (1 count)		
)	4	
		0
es <u>Total</u> the maximum penalties for additional offenses, including counts ————————————————————————————————————	0	
nan 1	2	
	2 3 4	
),),	ore	Additional Counts Total the maximum penalties for counts of the primary not scored above 2 3 4 5 ore 6 Total the maximum penalties for additional offenses, including counts

Points

. Primary offense child neglect /abuse ______

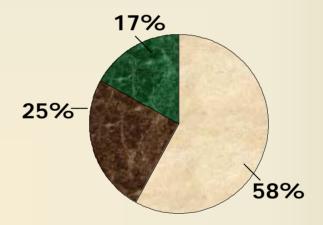
Points

iscella						
			<u>Cat I</u>	Cat II	Other	<u>-</u>
Primary Off	ense	Threats	40	20	10	
A. Burning of	ן personal p	roperty, standing grain, etc., value \$200 or more (1 co	unt) 32	16	8	_
B. Threatenin	g to burn, l	bomb or explode (1 count)	32	16	8	
C. Child negle	ect/abuse	(1 count)	36	18	9	
D . Failure to a	ippear in c	ourt for felony offense (1 count)	32	16	8	
E. Perjury, fal	sely swear	an oath (1 count)	12	6	3	
F. Possession	of Sched	ule III drug or marijuana by prisoner (1 count)	32	16	8	
		firearm, etc. in/at occupied building				
Attempt	ed or cons	spired: 1 count	32	16	8	
		leted: 1 count				Sco
H. Possession		-off shotgun (1 count)				
		ule For II drug while in possession of firearm (1 count)				•
		n or concealed weapon by convicted felon (1 count)				
		ow missile at train, car, etc. (1 count)				0
-		dditional Counts <u>Assign</u> points to <u>each</u> count				
Primary Off Maximum Penalty (years)	r: 5,10 .	dditional Counts <u>Assign</u> points to <u>each</u> count				_
Maximum Penalty (years)	r. 5,10 .					
Maximum Penalty (years)	c 5,10 . Offense		ng counts) and total the	points —	1	_
Maximum Penalty (years) Additional (r. 5,10 . Offense Lesst	• S <u>Assign</u> points to <u>each</u> additional offense (includi	ng counts) and total the	points ——	1	
Maximum Penalty (years) Additional (Maximum Penalty	7: 5,10 . Dffense : Less t 5,10	• S <u>Assign</u> points to <u>each</u> additional offense (includi han 5	ng counts) and total the	points ——	1	
Maximum Penalty (years) Additional (Maximum Penalty	7. 5,10 . Dffense Less t 5,10 20	• S <u>Assign</u> points to <u>each</u> additional offense (includi han 5	ng counts) and total the	points	1	
Maximum Penalty (years) Additional (Maximum Penalty	7. 5,10 Dffense Less 1 5, 10 20 30	S <u>Assign</u> points to <u>each</u> additional offense (includi han 5	ng counts) and total the	points —	1	
Maximum Penalty (years) Additional (Maximum Penalty (years)	Dffense Less 5, 10 20 40 or	S <u>Assign</u> points to <u>each</u> additional offense (includi han 5	ng counts) and total the	points	1	
Maximum Penalty (years) Additional (Maximum Penalty (years)	Dffense Lessi 5,10 20 30 40 or	PS <u>Assign</u> points to <u>each</u> additional offense (includi han 5	ng counts) and total the	points	1	
Maximum Penalty (years) Additional (Maximum Penalty (years)	Dffense Lesst 5,10 20 30 40 or ed or B	PS <u>Assign</u> points to <u>each</u> additional offense (includi han 5	ng counts) and total the	points ————————————————————————————————————	0 1 2 3 5	
Maximum Penalty (years) Additional (Maximum Penalty (years)	Dffense Lesst 5,10 20 30 40 or ed or B Threa	PS Assign points to each additional offense (includi han 5	ng counts) and total the	points ————————————————————————————————————	1 0 1 2 3 5	—
Maximum Penalty (years) Additional (Maximum Penalty (years)	Dffense Lesst 5,10 20 30 40 or ed or B Threa Physi	PS Assign points to each additional offense (including han 5	ng counts) and total the	points ————————————————————————————————————	1 0 1 2 3 5 add 2 →	0 0
Maximum Penalty (years) Additional (Maximum Penalty (years)	Dffense Lesst 5,10 20 30 40 or ed or B Threa Physi	PS Assign points to each additional offense (includi han 5	ng counts) and total the	points ————————————————————————————————————	1 0 1 2 3 5 add 2 →	—
Maximum Penalty (years) Additional (Maximum Penalty (years) Firearm Use	Dffense Less t 5, 10 20 40 or ed or B Threa Physi Serio	PS Assign points to each additional offense (including han 5	ng counts) and total the	points ————————————————————————————————————	101	0 0
Maximum Penalty (years) Additional (Maximum Penalty (years) Firearm Use	Dffense Less t 5, 10 20 30 40 or ed or B Threa Physi Serio	PS Assign points to each additional offense (including han 5 more more tened or emotional calus physical	ng counts) and total the	points ————————————————————————————————————	1 0 2 3 5 add 2 → 2 5 all the points	0 0

A Drier Feleny Convictions (Adjudications Assinct Deven

Threats

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



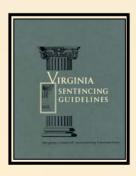


Recommendation 6

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

Recommendation 7

Miscellaneous



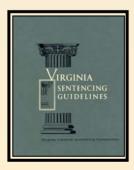
Miscellaneous

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



Arson - Unoccupied Dwelling/Church

- Background
- Guideline users have asked about this offense



Arson - Unoccupied Dwelling/Church

Background Sentencing Information

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

^{*} Number of Cases: 45 (5 years)



B. Threatening to bo C. Child neglect/abuse 1 2 D. Failure to appear 1 2 E. Perjury, falsely sw F. Possession of Sch	al property, standing grain, etc., value \$200 or more sount	
B. Threatening to bo C. Child neglect/abus 1 2 D. Failure to appear 1 2 E. Perjury, falsely sw F. Possession of Sch	counts 6 nb, burn or explode (1 count) 1 e count counts 6 n court for felony offense 1 counts 4	
B. Threatening to bo C. Child neglect/abus 1 2 D. Failure to appear 1 2 E. Perjury, falsely sw F. Possession of Sch	nb, burn or explode (1 count)	
C. Child neglect/abus 1 2 D. Failure to appear 1 2 E. Perjury, falsely sw F. Possession of Sch	e count	
1 2 D. Failure to appear 1 2 E. Perjury, falsely sw F. Possession of Sch	count 2 counts 6 n court for felony offense 1 counts 4	
2 D. Failure to appear 1 2 E. Perjury, falsely sw F. Possession of Sch	counts 6 n court for felony offense 1 counts 4	
1 2 E. Perjury, falsely sw F. Possession of Sch	count1 counts1	
2 E. Perjury, falsely sw Possession of Sch	counts4	
E. Perjury, falsely sw F. Possession of Sch		
. Possession of Sch	ear an oath (1 count)	
	edule III drug or marijuana by prisoner (1 count)	
	rge firearm, etc., in/at occupied building (1 count)	
	ed-off shotgun (1 count) 2	
	edule I or II drug while in possession of firearm (1 count)	So
	arm or concealed weapon by convicted felon	
	count 3	
	throw missile at train, car, etc. (1 count)	0
8 1	-7	Го
	or more	Ľ
Additional Offe	ISES Total the maximum penalties for additional offenses, including counts	
Years: L	ess than 1	
4	-71	
	- 18	
8		
8 1	9-28	
8 1 2	9-38	0
8 1 2 3		0
8 1 2	9-38	0
8 1 2 3 /ictim Injury —	9-38	0

_ Primary offense other than child neglect/abuse ___

Burning of po	ersonal property, standing grain, etc., value \$200 or more (1 count)	6	
Threatening	to bomb, burn or explode (1 count)	6	
_	t/abuse (1 count)		
Failure to ap	pear in court for felony offense (1 count)	. 10	
	ely swear an oath (1 count)		
Possession	of Schedule III drug or marijuana by prisoner (1 count)	7	
	lischarge firearm, etc. in/at occupied building (1 count)		Sco
	of sawed-off shotgun (1 count)		360
	of concealed weapon - not firearm by convicted felon (1 count)		*
	of firearm by convicted felon (1 count)		
Maliciously a	shoot, throw missile at train, car, etc. (1 count)	7 e	
Maliciously s	Shoot, throw missile at train, car, etc. (1 count) Ifense Additional Counts Total the maximum penalties for counts of the primary not scored abov 5 - 9	7 e2345	0
Maliciously s Primary Of Years:	Shoot, throw missile at train, car, etc. (1 count)	7 e	

Points

Primary offense child neglect /abuse ___

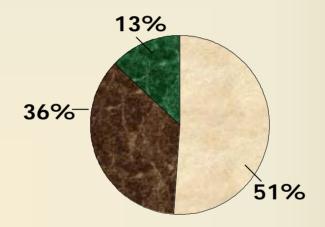
Points

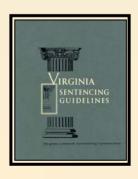
		<u>Cat I</u>	Cat II	Other	
Primary Offe	nse Arson – Unoccupied I	Dwelling 68	34	17	<u></u>
A . Burning of pe	rsonal property, standing grain, etc., value \$200 or more	(1 count)	16	8	-
	o burn, bomb or explode (1 count)				
	/abuse (1 count)				
	pear in court for felony offense (1 count)				
E. Perjury, false	ly swear an oath (1 count)	12	6	3	
F. Possession of	of Schedule III drug or marijuana by prisoner (1 count)	32	16	8	
G. Maliciously d	ischarge firearm, etc. in/at occupied building				
Attempted	d or conspired: 1 count	32	16	8	
	Completed: 1 count				Score
H. Possession o	of sawed-off shotgun (1 count)	36	18	9	
I. Possession o	of Schedule I or II drug while in possession of firearm (1 o	ount) 32	16	8	▼
	of firearm or concealed weapon by convicted felon (1 cour	•		Ω Γ	$\overline{\mathcal{A}}$
	hoot, throw missile at train, car, etc. (1 count)				0
Maximum Penalty: (years)	5,10				
				1	
Additional Of	ffenses <u>Assign</u> points to <u>each</u> additional offense (ir			1	
	ffenses <u>Assign</u> points to <u>each</u> additional offense (in	ncluding counts) and total the	points —	L	
	 ' - ,	ncluding counts) and total the	points ———	0	
Maximum Penalty:	Less than 5 5, 10 20	ocluding counts) and total the	points -	0 1 2	
Maximum Penalty:	Less than 5 5, 10 20 30	ncluding counts) and total the	points —	0 1 2 3	
Maximum Penalty:	Less than 5 5, 10 20	ncluding counts) and total the	points —	0 1 2 3	
Maximum Penalty: (years)	Less than 5 5, 10 20 30 40 or more	ncluding counts) and total the	points ———	0 1 2 3 5	
Maximum Penalty: (years)	Less than 5 5, 10 20 30 40 or more	ncluding counts) and total the	points ———	0 1 2 3 5	0 0
Maximum Penalty: (years) Firearm Used	Less than 5	ncluding counts) and total the	points ———	0 1 2 3 5	
Maximum Penalty: (years)	Less than 5	ncluding counts) and total the	points ————————————————————————————————————	0 1 2 3 5	
Maximum Penalty: (years) Firearm Used	Less than 5 5, 10 20 30 40 or more	ncluding counts) and total the	points ————————————————————————————————————	0 1 3 5 5	0 0
Maximum Penalty: (years) Firearm Used	Less than 5 5, 10 20 30 40 or more d or Brandished Threatened or emotional	ncluding counts) and total the	points ————————————————————————————————————	0 1 3 5 5 5	+
Maximum Penalty: (years) Firearm Used Victim Injury	Less than 5 5, 10 20 30 40 or more Threatened or emotional Physical Serious physical	ncluding counts) and total the	points ————————————————————————————————————	012	+
Maximum Penalty: (years) Firearm Used Victim Injury	Less than 5 5, 10 20 30 40 or more dor Brandished Threatened or emotional Physical	recent and serious prior record	points ————————————————————————————————————	0	+

A Drier Folony Convictions (Adjusting Against Depoin

Arson - Unoccupied Dwelling/Church

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

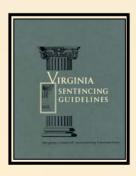




Recommendation 7

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

Recommendation 8

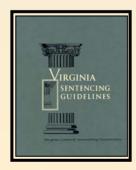


- Recommendation 8
 - Add Shoot or Throw Missile at Train, Car, Vessel Without Malice
 - § 18.2-154



Missile at Vehicle Without Malice

- Background
- Guideline users have asked about this offense

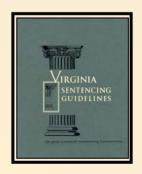


Missile at Vehicle Without Malice

Background Sentencing Information

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

^{*} Number of Cases: 64 (5 years)



Primary Offe	Missile at Vehicle Without Malice	3 –		l
A. Burning of p	ersonal property, standing grain, etc., value \$200 or more			
	1 count	2		
	2 counts			
_	to bomb, burn or explode (1 count)	1		
C. Child negled		0		l
	1 count			ı
D . Failure to ap	pear in court for felony offense			ı
	1 count	1		ı
	2 counts			ı
E. Perjury, false	ely swearan oath (1 count)	1		ı
F. Possession	of Schedule III drug or marijuana by prisoner (1 count)	3		l
	lischarge firearm, etc., in/at occupied building (1 count)			ı
	of sawed-off shotgun (1 count)			ı
	of Schedule I or II drug while in possession of firearm (1 count)	4	Sco	i Ora
J. Possession	of firearm or concealed weapon by convicted felon		7	,
	1 count			<u></u>
K. Maliciously	2 countsshoot, throw missile at train, car, etc. (1 count)		0	l
Years:	ense Additional Counts Total the maximum penalties for counts of the primary not scored 5-7	1 2 3		y
	29 - 38		0	
Additional C				
	Iffenses Total the maximum penalties for additional offenses, including counts			ļ
Years:	Pffenses Total the maximum penalties for additional offenses, including counts Less than 1	0		
Y ears:				
Years:	Less than 1	1		
Y ears:	Less than 1	1 2		<u> </u>
Years:	Less than 1	1 2 3	, to	
Y ears:	Less than 1 1 - 7 8 - 18 19 - 28	1 2 3	0	
	Less than 1 1 - 7 8 - 18 19 - 28 29 - 38 39 or more	1 2 3	0	
Victim Injury	Less than 1 1 - 7 8 - 18 19 - 28 29 - 38 39 or more	1 2 3	0	
	Less than 1 1 - 7 8 - 18 19 - 28 29 - 38 39 or more	1 2 3 4 5	0	

_ Primary offense other than child neglect/abuse __

Points

Burning of p	ersonal property, standing grain, etc., value \$200 or more (1 count)	6	
9 ,	to bomb, burn or explode (1 count)		
_	t/abuse (1 count)		
•	pear in court for felony offense (1 count)		
	ely swear an oath (1 count)		
	of Schedule III drug or marijuana by prisoner (1 count)		
	discharge firearm, etc. in/at occupied building (1 count)		Sco
_	of sawed-off shotgun (1 count)		300
	of concealed weapon - not firearm by convicted felon (1 count)		*
 Possession 	OF Breath by Convicted Teion of Countr	7	
Maliciously	of firearm by convicted felon (1 count)	7 cove ————————————————————————————————————	
Maliciously Primary O	shoot, throw missile at train, car, etc. (1 count) ffense Additional Counts	7 2 2 3 4 5	0
Maliciously Primary O Years:	ffense Additional Counts Total the maximum penalties for counts of the primary not scored at 5 - 9	7 cove7 cove 2 4 5 6 6 0 2 4 4 4 4	0

Points

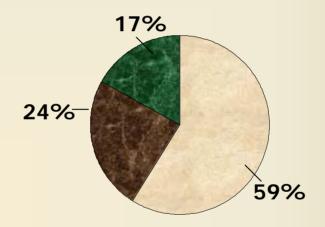
. Primary offense child neglect /abuse ___

		<u>Cat I</u>	Cat II	Other	
Primary Offe	Missile at Vehicle w/o	Malice 48	24	12	
A. Burning of pe	rsonal property, standing grain, etc., value \$200 or more (1	count)	16	8	
	o burn, bomb or explode (1 count)				
	/abuse (1 count)				
	pear in court for felony offense (1 count)				
• •	ly swear an oath (1 count)				
F. Possession of	f Schedule III drug or marijuana by prisoner (1 count)	32	16	8	
	scharge firearm, etc. in/at occupied building				
	For conspired: 1 count	32	16	8	
,	Completed: 1 count				Score
H. Possession of	f sawed-off shotgun (1 count)	36	18	9	
I. Possession o	f Schedule I or II drug while in possession of firearm (1 cou	ınt) 32	16	8	▼
	f firearm or concealed weapon by convicted felon (1 count)				$\overline{}$
	noot, throw missile at train, car, etc. (1 count)				0
_	nse Additional Counts Assign points to <u>each</u> യ				▼
Maximum Penalty: (years)	5,10				▼
Maximum Penalty: (years)					
Maximum Penalty: (years) Additional O t	5,10	luding counts) and total the	points ——	1	
Maximum Penalty: (years) Additional O t	5,10 fenses <u>Assign</u> points to <u>each</u> additional offense (incl	luding counts) and total the	points —	1	
Maximum Penalty: (years) Additional Of Maximum Penalty:	5,10	luding counts) and total the	points —	1 [0 1 2 [
Maximum Penalty: (years) Additional Of Maximum Penalty:	5,10	luding counts) and total the	points —	1 [0 1 2 3 [
Maximum Penalty: (years) Additional O t Maximum Penalty:	5,10	luding counts) and total the	points —	1 [0 1 2 3 [
Maximum Penalty: (years) Additional Of Maximum Penalty: (years)	5,10	luding counts) and total the	points —	1 [0 1 2 3 5	
Maximum Penalty: (years) Additional Of Maximum Penalty: (years)	5,10	luding counts) and total the	points —	1 [0 1 2 3 5	
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10	luding counts) and total the	points —	1 [0 1 2 3 5	
Maximum Penalty: (years) Additional Of Maximum Penalty: (years)	5,10	luding counts) and total the	points ————————————————————————————————————	1 [0 1 2 3 5	
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10 fenses Assign points to each additional offense (incl Less than 5	luding counts) and total the	points ————————————————————————————————————	1 [0 1 2 3 5 [add 2 →	+
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10 fenses Assign points to each additional offense (incl Less than 5	luding counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 → [
Maximum Penalty: (years) Additional Oth Maximum Penalty: (years) Firearm Used	5,10 Less than 5 5,10 20 30 40 or more Threatened or emotional Physical Serious physical	luding counts) and total the	points ————————————————————————————————————	1 [01	+
Maximum Penalty: (years) Additional Other Maximum Penalty: (years) Firearm Used	5,10 fenses Assign points to each additional offense (incl Less than 5	luding counts) and total the	points ————————————————————————————————————	1 [01235 Indd 2 → [45 I the points -	+

A Drier Folony Convictions (Adjusting Against Depoin

Missile at Vehicle Without Malice

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

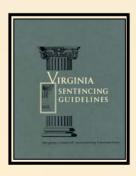




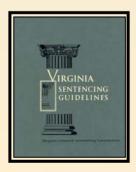
Recommendation 8

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

Recommendation 9

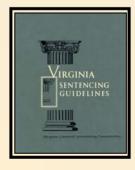


- Recommendation 9
 - Add Gross, Wanton, or Reckless Care for Child
 - § 18.2-371.1(B)



Gross or Reckless Care for Child

- Background
- Guideline users have asked about this offense



Gross or Reckless Care for Child

Background Sentencing Information

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

^{*} Number of Cases: 152 (5 years)



Primary Offe	Gross or Reckless Care for Child	3 –	
A. Burning of pe	rsonal property, standing grain, etc., value \$200 or more		
	1 count		
	2 counts		
	bomb, burn or explode (1 count)	1	
C. Child neglect			
	1 count		
D . Failure to app	ear in court for felony offense		
b . Tallufe (Oap _k	1 count	4	
	2 counts		
E. Perjury, false	y swear an oath (1 count)		
	Schedule III drug or marijuana by prisoner (1 count)		
	scharge firearm, etc., in/at occupied building (1 count)		
H. Possession of	sawed-off shotgun (1 count)	2	
 Possession c 	Schedule I or II drug while in possession of firearm (1 count)	4	Sco
J. Possession c	firearm or concealed weapon by convicted felon		300
	1 count	3	_
K . Maliciously s	2 countshoot, throw missile at train, car, etc. (1 count)		
Years:	nse Additional Counts <u>Total</u> the maximum penalties for counts of the primary not 5-7	1 2	\downarrow
	19 - 28		
Additional O	19 - 28 29 - 38 39 or more	4	0
	29 - 38	4	0
Years:	29 - 38	0	0
Years:	29 - 38	0	0
Years:	29 - 38 39 or more	0	0
Years:	29 - 38 39 or more Fenses Total the maximum penalties for additional offenses, including counts Less than 1 1 - 7 8 - 18 19 - 28		
Years:	29 - 38 39 or more		0
	29 - 38 39 or more Fenses Total the maximum penalties for additional offenses, including counts Less than 1 1 - 7 8 - 18 19 - 28		
Years: Victim Injury	29 - 38 39 or more		
	29 - 38 39 or more		
	29 - 38 39 or more		

Victim Injury -

_ Primary offense other than child neglect/abuse ___

Burning of pe	ersonal property, standing grain, etc., value \$200 or more (1 count)	6	
3 .	to bomb, burn or explode (1 count)		
•	Vabuse (1 count)		
•	pear in court for felony offense (1 count)		
	sly swear an oath (1 count)		
	of Schedule III drug or marijuana by prisoner (1 count)		
	ischarge firearm, etc. in/at occupied building (1 count)		
			Sco
	of sawed-off shotgun (1 count)		
	of concealed weapon - not firearm by convicted felon (1 count)		
Possession (of firearm by convicted felon (1 count)	1	ш
,	fense Additional Counts <u>Total</u> the maximum penalties for counts of the primary not scored above		
	5 - 9	2	
Primary Of	5 - 9	2 3	
Primary Of	5 - 9	2 3 4	
Primary Of	5 - 9	2 3 4	
Primary Of	5 - 9	2 3 4 5	0
Primary Of Years:	5 - 9	2 3 4 5	0
Primary Of Years:	5-9	2 3 4 5	0
Primary Of Years:	5 - 9	2 3 4 5 6	0
Primary Of Years: Additional	5 - 9	2 3 4 5 6	0
Primary Of Years: Additional	5 - 9	2 3 4 5 6	0
Primary Of Years: Additional	5 - 9	2 3 4 5 6 0 2 3	•
Primary Of Years: Additional	5 - 9	2 3 4 5 6 0 2 3 4	0

Points

. Primary offense child neglect /abuse ____

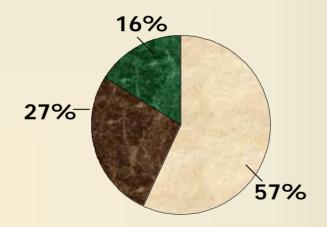
Points

		<u>Cat I</u>	Cat II	Other	
Primary Offe	Reckless Care for Ch	nild 40	20	10	
A. Burning of pe	ersonal property, standing grain, etc., value \$200 or more	(1 count)	16	8	
	to burn, bomb or explode (1 count)				
	/abuse (1 count)				
D. Failure to app	pear in court for felony offense (1 count)	32	16	8	
	y swear an oath (1 count)				
F. Possession of	of Schedule III drug or marijuana by prisoner (1 count)	32	16	8	
	ischarge firearm, etc. in/at occupied building				
Attempted	d or conspired: 1 count	32	16	8	
	Completed: 1 count				Score
H. Possession o	of sawed-off shotgun (1 count)	36	18	9	3000
	of Schedule I or II drug while in possession of firearm (1 c				•
	of firearm or concealed weapon by convicted felon (1 cour			_	$\overline{}$
	hoot, throw missile at train, car, etc. (1 count)				0
-	nse Additional Counts Assign points to each o			. г	
Maximum Penalty: (years)	5,10			. г	—
Maximum Penalty: (years)				. г	
Maximum Penalty: (years) Additional O t	5,10	ncluding counts) and total the	points ——	1	
Maximum Penalty: (years) Additional O t	5,10	ncluding counts) and total the	points —	1	
Maximum Penalty: (years) Additional O t Maximum Penalty:	5,10	ncluding counts) and total the	points —	1 [0 1 2 [
Maximum Penalty: (years) Additional O t Maximum Penalty:	5,10	ncluding counts) and total the	points —	1 [0 1 2 3 [
Maximum Penalty: (years) Additional O t Maximum Penalty:	5,10	ncluding counts) and total the	points —	1 [0 1 2 3 [
Maximum Penalty: (years) Additional Of Maximum Penalty: (years)	5,10	ncluding counts) and total the	points —	1 [0 1 2 3 5	0 0
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10	ncluding counts) and total the	points —	1 [0 1 2 3 5	0 0
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10	ncluding counts) and total the	points ————————————————————————————————————	1 [0 1 2 3 5 [add 2 →	0 0
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10	ncluding counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 → [+
Maximum Penalty: (years) Additional Of Maximum Penalty: (years) Firearm Used	5,10	ncluding counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 → [0 0
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used Victim Injury	5,10 Less than 5 5,10 20 30 40 or Brandished Threatened or emotional Physical Serious physical	ncluding counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 → [5	0 0
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used Victim Injury	5,10	recent and serious prior record	points ————————————————————————————————————	1 [0 1 2 3 5 [add 2 → [5 5 1	0 0

Drian Falany Convictions (Adjustications Assinct Deven

Gross or Reckless Care for Child

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

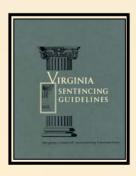




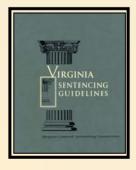
Recommendation 9

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

Recommendation 10



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



Perjury - Conflicting Statements

Background Sentencing Information

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

^{*} Number of Cases: 50 (5 years)



 Burning of pe 	nse Perjury – Conflicting Statements rsonal property, standing grain, etc., value \$200 or more		
a. Bulling of pe	1 count	2	
	2 counts		
3 . Threatening t	o bomb, burn or explode (1 count)	1	
C. Child neglect/	'abuse		
	1 count	2	
	2 counts	6	
) . Failure to app	pear in court for felony offense		
	1 count		
E. Perjury, falsel	2 countsly swear an oath (1 count)		
	f Schedule III drug or marijuana by prisoner (1 count)		
	scharge firearm, etc., in/at occupied building (1 count)		
	f sawed-off shotgun (1 count)		
	f Schedule I or II drug while in possession of firearm (1 count)		ا _ ا
	f firearm or concealed weapon by convicted felon		Sco
	1 count	3	
	2 counts		0
 Maliciously s 	shoot, throw missile at train, car, etc. (1 count)	1	1 4 1
-			
-	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38	mary not scored above ————————————————————————————————————	0
Primary Offe Years:	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28	mary not scored above ————————————————————————————————————	0
Primary Offe Years:	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1	mary not scored above ——	0
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7	mary not scored above ——	0
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18	mary not scored above ——	0
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28	mary not scored above ————————————————————————————————————	
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28 29-38	mary not scored above ————————————————————————————————————	0
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28 29-38 39 or more	mary not scored above ————————————————————————————————————	
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28 29-38 39 or more	mary not scored above ————————————————————————————————————	
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28 29-38 39 or more	mary not scored above	
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the prir 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28 29-38 39 or more	mary not scored above	

Points

r	imary Offe	Perjury – Conflicting Statements 8		
	Burning of pers	sonal property, standing grain, etc., value \$200 or more (1 count)6		
	Threatening to	bomb, burn or explode (1 count)		
	Child neglect/a	abuse (1 count)1		
	Failure to appe	ear in court for felony offense (1 count)		
	Perjury, falsely	swear an oath (1 count)		
	Possession of	Schedule III drug or marijuana by prisoner (1 count)		
		charge firearm, etc. in/at occupied building (1 count)		Sco
		sawed-off shotgun (1 count)		300
		concealed weapon - not firearm by convicted felon (1 count)		Ť
		firearm by convicted felon (1 count)		
	Possession of			
	Maliciously sh	oot, throw missile at train, car, etc. (1 count)		
Pi	Maliciously sh	cot, throw missile at train, car, etc. (1 count)		
Pi	Maliciously sh rimary Offe Years:	coot, throw missile at train, car, etc. (1 count) 7 ense Additional Counts Total the maximum penalties for counts of the primary not scored above 5 - 9 2 10 - 19 3 20 - 29 4 30 - 39 5 40 or more 6	(
Pi	Maliciously sh rimary Offe Years:	cot, throw missile at train, car, etc. (1 count)	C	
Pi	Maliciously sh rimary Offe Years:	cot, throw missile at train, car, etc. (1 count)		
Pi	Maliciously sh rimary Offe Years:	coot, throw missile at train, car, etc. (1 count) 7 ense Additional Counts Total the maximum penalties for counts of the primary not scored above — 5 - 9 2 10 - 19 3 20 - 29 4 30 - 39 5 40 or more 6 Offenses Total the maximum penalties for additional offenses, including counts Less than 1 0	(
Pi	Maliciously sh rimary Offe Years:	coot, throw missile at train, car, etc. (1 count) 7 ense Additional Counts Total the maximum penalties for counts of the primary not scored above — 5 - 9 2 10 - 19 3 20 - 29 4 30 - 39 5 40 or more 6 Offenses Total the maximum penalties for additional offenses, including counts Less than 1 0 1 - 9 2	C	
Pi	Maliciously sh rimary Offe Years:	coot, throw missile at train, car, etc. (1 count)		

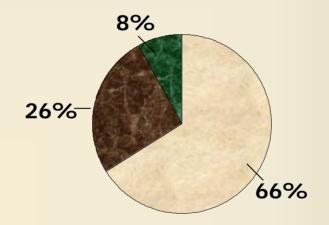
Points

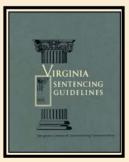
			Cat I	Cat II	Other		
			<u></u>			-	
Primary O	ffense	Perjury	40	20	10		\neg
A. Burning	of personal	property, standing grain, etc., value \$200 or more	(1 count)	16	8		
		, bomb or explode (1 count)					
C. Child ne	glect/abuse	(1 count)	36	18	9		
D . Failure to	o appear in	court for felony offense (1 count)	32	16	8		
		ar an oath (1 count)					
		dule III drug or marijuana by prisoner (1 count) le firearm, etc. in/at occupied building	32	16	8		
Atten	npted or coi	nspired: 1 count	32	16	8		
		npleted: 1 count				9	Scoi
H. Possess	ion of sawe	d-off shotgun (1 count)	36	18	9	`	▼.
 Possess 	ion of Sche	dule For II drug while in possession of firearm (1 co	ount)32	16	8		
		m or concealed weapon by convicted felon (1 coun				lol	
K. Malicious	sly shoot, th	nrow missile at train, car, etc. (1 count)	32	16	8	L^{\vee}	
		Additional Counts Assign points to each c			·		T
Maximum Pena (yea		Additional Counts Assign points to each o			·		
(yea	rs)	·			·		
(yea Additional	rs) Offens	·	cluding counts) and total th	e points ———	1		_ _ _
(yea Additional	rs) Offens ty: Les:	es <u>Assign</u> points to <u>each</u> additional offense (in	cluding counts) and total th	e points ——	1		
yea) Additional Maximum Pena	rs) Offens ty: Less s) 5,1(es <u>Assign</u> points to <u>each</u> additional offense (in	cluding counts) and total th	e points ———	0		
yea) Additional Maximum Pena	rs) Offens ty: Less s) 5,10 20 . 30 .	es <u>Assign</u> points to <u>each</u> additional offense (in sthan 5	cluding counts) and total th	e points ——	1		
yea) Additional Maximum Pena	rs) Offens ty: Less s) 5,10 20 . 30 .	es <u>Assign</u> points to <u>each</u> additional offense (in sthan 5	cluding counts) and total th	e points ——	1		
(yea Additional Maximum Pena (yeai	rs) Offens tty: Less \$5,11 20. 30. 40.0	es <u>Assign</u> points to <u>each</u> additional offense (in sthan 5	cluding counts) and total th	e points ———	1		
(yea Additional Maximum Pena (yea) Firearm U	rs) Offens	r more	cluding counts) and total th	e points ———	1	0	
(yea Additional Maximum Pena (yeai	rs) Offens ty: Less 5, 10 20 30 40 sed or I	es <u>Assign</u> points to <u>each</u> additional offense (in sthan 5	cluding counts) and total th	e points ————————————————————————————————————	1 0 1 2 3 5	0	
(yea Additional Maximum Pena (yea) Firearm U	rs) Offens ty: Less 5, 10 20 30 40 o sed or I ury — Thre	es Assign points to each additional offense (in sthan 5	cluding counts) and total th	e points ————————————————————————————————————	1 0 1 2 3 5		→
(yea Additional Maximum Pena (yeai Fir earm U	rs) Offens ty: Less 5, 10 20 30 40 o sed or I ury Three Phy	es <u>Assign</u> points to <u>each</u> additional offense (in sthan 5	cluding counts) and total th	e points ————————————————————————————————————	1 0 1 2 3 5 add 2 →	0	0
(yea Additional Maximum Pena (yeal Firearm U Victim Inju	rs) Offens tty: Less s) 5,10 20 30 40 o sed or I ury — Thre Phy Seri	es Assign points to each additional offense (in sthan 5) r more Brandished eatened or emotional	cluding counts) and total th	e points ————————————————————————————————————	1 0 1 2 5 add 2 →	0	→
(yea Additional Maximum Pena (year Firearm U Victim Inju	rs) Offens ty: Less 5, 10 20 30 40 o sed or I ury Three Phy Seri	es Assign points to each additional offense (in sthan 5	cluding counts) and total th	e points ————————————————————————————————————	1 0 1 2 3 5 add 2 → 2 4 5	0	→
(yea Additional Maximum Pena (year Firearm U Victim Inju	rs) Offens ty: Less 5, 10 20 30 40 sed or Three Phy Seri victions	es Assign points to each additional offense (in sthan 5) r more Brandished eatened or emotional	cluding counts) and total th	e points ————————————————————————————————————	1 0 1 2 3 5 add 2 → 2 4 5	0	→

A Drier Folony Convictions (Adjusting Against Depoin

Perjury - Conflicting Statements

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





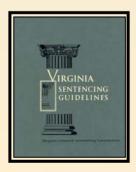
Recommendation 10

Add Perjury – Conflicting Statements § 18.2-435

Recommendation 11



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



Escape from Correctional Facility

Background Sentencing Information

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

^{*} Number of Cases: 24 (5 years)



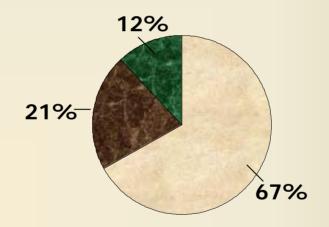
Tilliary Offe	Inse Escape From Correctional Facility 7		
A. Burning of pe	rsonal property, standing grain, etc., value \$200 or more		
	1 count		
	2 counts		
	o bomb, burn or explode (1 count)	1	
Child neglect			
	1 count		
	2 counts	6	
 Failure to app 	pear in court for felony offense		
	1 count		
. Doriver foldal	2 counts		
	ly swear an oath (1 count)		
	f Schedule III drug or marijuana by prisoner (1 count)		
	scharge firearm, etc., in/at occupied building (1 count)		
	f sawed-off shotgun (1 count)		
	f Schedule I or II drug while in possession of firearm (1 count)	4 (cor
I. Possession o	f firearm or concealed weapon by convicted felon	_	▼
	1 count		Ť
		<i>i</i>	
•	shoot, throw missile at train, car, etc. (1 count)	1	
•	shoot, throw missile at train, car, etc. (1 count) **nse Additional Counts** Total the maximum penalties for counts of the primary not scored above 5-7 8-18	1 L 1 1 2	\downarrow
Primary Offe	shoot, throw missile at train, car, etc. (1 count) **nse Additional Counts** Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28	1 2 3	___
Primary Offe	shoot, throw missile at train, car, etc. (1 count) nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38	1 2 3 4 0	___
Primary Offe Years:	shoot, throw missile at train, car, etc. (1 count) **nse Additional Counts** Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28	1 2 3 4 0	<u> </u>
Primary Offe Years:	shoot, throw missile at train, car, etc. (1 count) nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more	1 2 3 4 0 5	___
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts	1 2 3 4 5	<u> </u>
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1	1 2 3 4 5 0	<u> </u>
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7	1 2 3 4 5 0 1 2	<u> </u>
Primary Offe Years: Additional O	nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more Less than 1 1-7 8-18	1 2 3 4 0 5	
Primary Offe Years: Additional O	shoot, throw missile at train, car, etc. (1 count) nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more ffenses Total the maximum penalties for additional offenses, including counts Less than 1 1-7 8-18 19-28	1 2 3 4 0 5 0 1 2 3 4 0	
Primary Offe Years: Additional O	shoot, throw missile at train, car, etc. (1 count) nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more Less than 1 1-7 8-18 19-28 29-38 39 or more	1 2 3 4 0 5 0 1 2 3 4 0	
Primary Offe Years: Additional O Years:	shoot, throw missile at train, car, etc. (1 count) nse Additional Counts Total the maximum penalties for counts of the primary not scored above 5-7 8-18 19-28 29-38 39 or more Less than 1 1-7 8-18 19-28 29-38 39 or more	1 2 3 4 5 0 5 0 0 1 2 3 4 5 0 5	

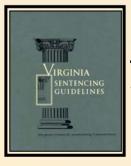
		<u>Cat I</u>	Cat II	Other	
Primary Offe	Escape From Incarceration	on 40	20	10	Щ
A. Burning of pe	ersonal property, standing grain, etc., value \$200 or more (1 count)) 32	16	8	_
	to burn, bomb or explode (1 count)				
	/abuse (1 count)				
D. Failure to app	pear in court for felony offense (1 count)	32		8	
	ly swear an oath (1 count)				
F. Possession of	of Schedule III drug or marijuana by prisoner (1 count)	32		8	
	ischarge firearm, etc. in/at occupied building				
Attempted	d or conspired: 1 count	32	16	8	
	Completed: 1 count				Scor
H. Possession o	of sawed-off shotgun (1 count)	36	18	9	3001
I. Possession o	of Schedule I or II drug while in possession of firearm (1 count)	32	16	8	•
J. Possession o	of firearm or concealed weapon by convicted felon (1 count)	32	16	в Г	_
	hoot, throw missile at train, car, etc. (1 count)				0
-	nse Additional Counts Assian points to <u>each</u> count of th			· .	
Maximum Penalty: (years)	5,10			· .	—
Maximum Penalty: (years)				· .	
Maximum Penalty: (years) Additional Ot	5,10	counts) and total the	points ——	1	_ _
Maximum Penalty: (years) Additional Ot	5,10 Ffenses Assign points to each additional offense (including	counts) and total the	points —	1	
Maximum Penalty: (years) Additional Ot Maximum Penalty:	5,10	counts) and total the	points —	1 [0 1	
Maximum Penalty: (years) Additional Ot Maximum Penalty:	5,10	counts) and total the	points ——	1 [0 1 2 3 [
Maximum Penalty: (years) Additional Ot Maximum Penalty:	5,10	counts) and total the	points ——	1 [0 1 2 3 [
Maximum Penalty: (years) Additional Of Maximum Penalty: (years)	5,10	counts) and total the	points —	1 [0 1 2 3 5	
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used	5,10	counts) and total the	points —	1 [0 1 2 3 5	
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used	5,10	counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 →	
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used	5,10	counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 → [+
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used	5,10	counts) and total the	points ————————————————————————————————————	1 [01235 [add 2 → [0 0
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used Victim Injury	ffenses Assign points to each additional offense (including Less than 5 5, 10 20 30 40 or more Threatened or emotional Physical Serious physical	counts) and total the	points ————————————————————————————————————	1 [01	0 0
Maximum Penalty: (years) Additional Ot Maximum Penalty: (years) Firearm Used Victim Injury	5,10	counts) and total the	points ————————————————————————————————————	1 [0125 add 2 → [5 all the points	0 0

Drian Falany Convictions (Adjustications Assinct Deven

Escape from Correctional Facility

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

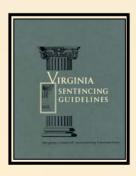




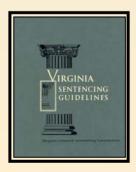
Recommendation 11

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

Recommendation 12



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



Prisoner With Deadly Weapon

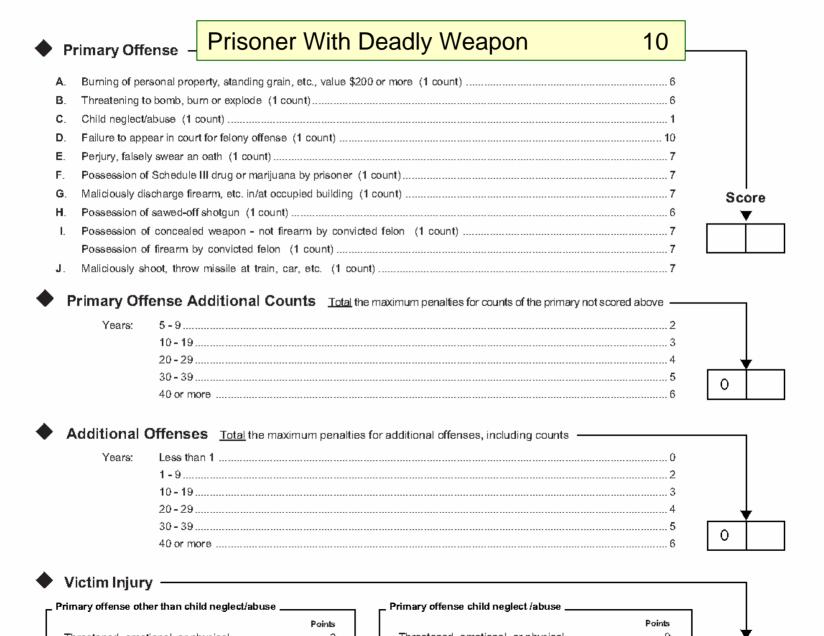
Background Sentencing Information

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

^{*} Number of Cases: 22 (5 years)



A. Burning of personal property, standing grain, etc., value \$200 or more 1 count 2 counts 6 B. Threatening to bornb, burn or explode (1 count) 1 c Child neglect/abuse 1 count 2 counts 6 D. Failure to appear in court for felony offense 1 count 2 counts 6 D. Failure to appear in court for felony offense 1 count 2 counts 4 Perjury, faisely swear an oath (1 count) 5 Possession of Schedule III drug or manijuana by prisoner (1 count) 9 D. Fossession of Schedule III drug or manijuana by prisoner (1 count) 9 D. Possession of Schedule III drug or manijuana by prisoner (1 count) 9 D. Possession of Schedule III drug while in possession of firearm (1 count) 9 D. Possession of Schedule III drug while in possession of firearm (1 count) 9 D. Possession of Schedule III drug while in possession of firearm (1 count) 9 D. Possession of Schedule III drug while in possession of firearm (1 count) 9 D. Possession of Schedule III drug while in possession of firearm (1 count) 9 D. Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above 1 count 1 count 2 counts 2 counts 2 counts of the primary not scored above 2 counts 3 counts 4 counts 6 counts 6 counts 6 counts 6 counts 6 counts of the primary not scored above 7 certs 8 - 18 9 - 28 3 39 or more ◆ Additional Offenses Total the maximum penalties for additional offenses, including counts 7 counts 8 - 18 9 - 28 3 39 or more ◆ Victim Injury 1 counts 1	\	Primary Offe	Prisoner With Deadly Weapon	3 –	
2 counts		A. Burning of pe		2	
B. Threatening to bomb, burn or explode (1 count)					
1 count 2 counts 6 6 8 6 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9		B. Threatening t			
2 counts 6 D. Failure to appear in court for felony offense 1 count 1 2 counts 4 E. Perjury, falsely swear an oath (1 count) 1 F. Possession of Schedule III drug or marijuana by prisoner (1 count) 3 G. Maliciously discharge firearm, etc., infraid coupied building (1 count) 2 I. Possession of Schedule I or II drug while in possession of firearm (1 count) 2 I. Possession of Schedule I or II drug while in possession of firearm (1 count) 4 J. Possession of firearm or concealed weapon by convicted felon 3 1 count 3 2 counts 4 K. Maliciously shoot, throw missile at train, car, etc. (1 count) 1 ◆ Primary Offense Additional Counts		C. Child neglect	/abuse		
D. Failure to appear in court for felony offense 1 count 2 counts 4 E. Perjury, falsely swear an oath (1 count) F. Possession of Schedule III drug or marijuana by prisoner (1 count) 3 G. Maliciously discharge firearm, etc., infat occupied building (1 count) 4 Possession of Schedule I or II drug while in possession of firearm (1 count) 4 J. Possession of firearm or concealed weapon by convicted felon 1 count 2 counts 4 K. Maliciously shoot, throw missile at train, car, etc. (1 count) ↑ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7 8-18 19-28 29-38 39 or more ↑ Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1 1-7 8-18 19-28 29-38 39 or more 5 ↑ Victim Injury Threatened, emotional or physical			1 count	2	
1 count 2 counts E. Perjury, falsely swer an oath (1 count) F. Possession of Schedule III drug or marijuana by prisoner (1 count) F. Possession of Schedule III drug or marijuana by prisoner (1 count) G. Malicrously discharge firearm, etc., infat occupied building (1 count) H. Possession of Schedule I or II drug while in possession of firearm (1 count) J. Possession of Schedule I or II drug while in possession of firearm (1 count) 1 count 2 counts K. Malicrously shoot, throw missile at train, car, etc. (1 count) Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7. 8-18. 19-28. 29-38. 39 or more. Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1. 0 1-7. 8-18. 19-28. 29-38. 39 or more. Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1. 0 1-7. 8-19. 1-7. 8-19. 29-38. 39 or more. Threatened, emotional or physical. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				6	
2 counts		D . Failure to app			
E. Perjury, falsely swear an oath (1 count)					
F. Possession of Schedule III drug or marijuana by prisoner (1 count)		E Dorium, folio			
G Maliciously discharge firearm, etc., in/at occupied building (1 count)					
H. Possession of sawed-off shotgun (1 count) I. Possession of Schedule or Il drug while in possession of firearm (1 count) J. Possession of firearm or concealed weapon by convicted felon 1 count 2 counts K. Maliciously shoot, throw missile at train, car, etc. (1 count) ↑ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7 8-18 29-38 39 or more ↑ Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1 1-7 8-18 19-28 29-38 39 or more ↑ Victim Injury Threatened, emotional or physical 1 Threatened, emotional or physical					
I. Possession of Schedule I or II drug while in possession of firearm (1 count)					
J. Possession of firearm or concealed weapon by convicted felon 1 count 2 counts K. Maliciously shoot, throw missile at train, car, etc. (1 count) ◆ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7					_
1 count 2 counts 4 K. Maliciously shoot, throw missile at train, car, etc. (1 count) 1 ◆ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7 1 1 8-18 2 19-28 29-38 3 29-38 4 39 or more 5 ◆ Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1 0 1-7 1 8-18 2 19-28 29-38 3 29-38 3 9 or more 5 ◆ Victim Injury Threatened, emotional or physical 1					Score
2 counts 4 0 ★ Maliciously shoot, throw missile at train, car, etc. (1 count) 1 ◆ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7 8-18 2 19-28 3 29-38 4 39 or more 5 Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1 1-7 8-18 19-28 29-38 39 or more 4 39 or more 5 Victim Injury Threatened, emotional or physical 1 O Threatened, emotional or physical 1 Threatened, emotional or physical 1 O Threatened train, car, etc. (1 count) 1 O Threatened train, car, et			• • •	3	
★ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above Years: 5-7 1 8-18 2 19-28 3 29-38 4 39 or more 5 Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1 1-7 8-18 19-28 29-38 39 or more 0 4 Victim Injury Threatened, emotional or physical 1					
Years: 5-7		K. Maliciously s	shoot, throw missile at train, car, etc. (1 count)	1	
♦ Additional Offenses Total the maximum penalties for additional offenses, including counts Years: Less than 1 0 1 - 7 1 8 - 18 2 19 - 28 3 29 - 38 4 39 or more 5 Threatened, emotional or physical	•	-	5-7 8-18 19-28 29-38	1 2 3 4	0
1 - 7 8 - 18 19 - 28 29 - 38 39 or more **Threatened, emotional or physical** 1	*	Additional O			
8 - 18		Years:	Less than 1	0	
↑ Victim Injury Threatened, emotional or physical 19-28			1 - 7	1	
◆ Victim Injury Threatened, emotional or physical			8 - 18	2	
♦ Victim Injury Threatened, emotional or physical			19-28	3	
♦ Victim Injury Threatened, emotional or physical			29 - 38	4	
Threatened, emotional or physical			39 or more	5	
	♦	Victim Injury			→
			Throatoned emotional or physical	4	Ţ
					101

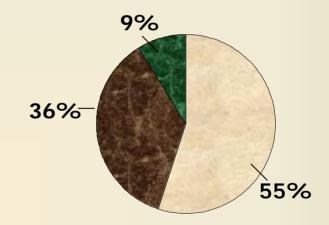


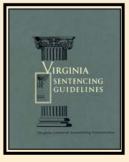
		<u>Cat I</u>	Cat II	<u>Other</u>	
Primary Offe	Prisoner - Deadly Weapon	48	24	12	
A. Burning of pe	rsonal property, standing grain, etc., value \$200 or more (1 count)	32	16	8	_
	o burn, bomb or explode (1 count)				
	/abuse (1 count)				
	pear in court for felony offense (1 count)				
	ly swear an oath (1 count)				
F. Possession c	f Schedule III drug or marijuana by prisoner (1 count)	32	16	8	
	scharge firearm, etc. in/at occupied building				
Attempted	for conspired: 1 count	32	16	8	
	Completed: 1 count				Score
H. Possession o	f sawed-off shotgun (1 count)	36	18	9	
I. Possession c	f Schedule I or II drug while in possession of firearm (1 count)	32	16	8	•
J. Possession o	firearm or concealed weapon by convicted felon (1 count)	32	16	в Г	$\overline{}$
K. Maliciously sl	hoot, throw missile at train, car, etc. (1 count)	32	16	8	\circ $ $
Maximum Penalty:	540			. Г	
(years)	5,10			1	
(years)	5,10			1	
(years) Additional Of	•	s) and total the	points ——	L	
(years) Additional Of	fenses Assign points to <u>each</u> additional offense (including count	s) and total the	points ——	0	
(years) Additional Ot Maximum Penalty:	Tenses <u>Assign</u> points to <u>each</u> additional offense (including count Less than 5 5,10 20	s) and total the	points —	0 1 2	
(years) Additional Ot Maximum Penalty:	Tenses <u>Assign</u> points to <u>each</u> additional offense (including count Less than 5 5,10 20	s) and total the	points ———	0 1 2	
(years) Additional Ot Maximum Penalty:	Tenses <u>Assign</u> points to <u>each</u> additional offense (including count Less than 5 5,10 20	s) and total the	points ———	0 1 2	
(years) Additional Ot Maximum Penalty: (years)	Tenses Assign points to <u>each</u> additional offense (including count Less than 5	s) and total the	points ——	01235	
(years) Additional Ot Maximum Penalty: (years) Firearm Used	fenses Assign points to <u>each</u> additional offense (including count Less than 5	s) and total the	points ——	01235	
(years) Additional Ot Maximum Penalty: (years)	fenses Assign points to each additional offense (including count Less than 5 5,10 20 30 40 or more	s) and total the	points ————————————————————————————————————	0 1 3 5	0 0
(years) Additional Ot Maximum Penalty: (years) Firearm Used	fenses Assign points to each additional offense (including count Less than 5 5,10 20 30 40 or more d or Brandished Threatened or emotional	s) and total the	points ————————————————————————————————————	0 1 3 5	+
(years) Additional Ot Maximum Penalty: (years) Firearm Used	fenses Assign points to each additional offense (including count Less than 5 5,10 20 30 40 or more	s) and total the	points ————————————————————————————————————	0 2 3 5 add 2 → [0 0
(years) Additional Ot Maximum Penalty: (years) Firearm Used Victim Injury	Threatened or emotional Physical Perses Assign points to each additional offense (including count each start and s	s) and total the	points ————————————————————————————————————	02	+
(years) Additional Ot Maximum Penalty: (years) Firearm Used Victim Injury	fenses Assign points to each additional offense (including count Less than 5 5,10 20 30 40 or more Threatened or emotional Physical	ious prior record	points ————————————————————————————————————	0235 add 2 → 25	+

A Drier Folony Convictions (Adjusting Against Depoin

Prisoner With Deadly Weapon

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



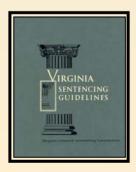


Recommendation 12

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

- Fraud
- Traffic
- Miscellaneous
- Weapons





Recommendation 13:

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



Background:

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





Offender Name:

Primary Oπe	nse ————————————————————————————————————		
	ischarge firearm, etc., in/at occupied building (1 count)		ŀ
	of sawed-off shotgun (1 count)		
	of Schedule I or II drug while in possession of firearm (1 count)	4	Score
J. Possession o	of firearm or concealed weapon by convicted felon		▼
	1 count		'
K. Maliciously s	2 countsshoot, throw missile at train, car, etc. (1 count)		0
N. Israndiously s	intoot, tillow titibalie at train, dar, etc. (1 count)		
_	nse Additional Counts Total the maximum penalties for count		
Years:	5-7		
	8 - 18	_	₩
	19 - 28		$\overline{}$
	29 - 38		0
	39 or more	5 -	
Additional O	ffenses Total the maximum penalties for additional offenses, includ	ling counts —————	
Years:	Less than 1	0	
	1 - 7		
	8 - 18		. ↓
	19 - 28		- Ť
	29 - 38		0
	39 or more	5 L	
Victim Injury	-		*
	Threatened, emotional or physical	1	0
	Serious physical	2 l	
Mandatory F	irearm Conviction for Current Event —————	If YES, add 6	0
, .			•
Prior Convic	tions/Adjudications Total the maximum penalties for the 5 m	ost recent and serious prior record even	ts —
Years:	Less than 2	0	<u> </u>
	2 - 38	1	0
	39 or more	2	~
		r	
Prior Incarce	erations/Commitments ————————	If YES, add 4 →	0



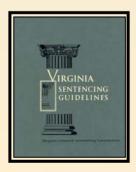
Offender Name: _____

. Possession o	f sawed-off shotgun (1 count)	6	•
. Possession o	f concealed weapon - not firearm by convicted felon (1 count)	7	
Possession o	f firearm by convicted felon (1 count)	7	
. Maliciously sl	noot, throw missile at train, car, etc. (1 count)	7	
Primary Off	rense Additional Counts <u>Total</u> the maximum penalties for counts of the primar	y not scored above ——	
Years:	5 - 9	2	
	10 - 19		
	20 - 29	4	
	30 - 39	5	1 ^
Additional (40 or more	6	0
Additional (6	0
	40 or more	0	0
	40 or more Total the maximum penalties for additional offenses, including counts Less than 1		0
	40 or more		0
	40 or more		0



Offender Name:

		—— Prior Record Classification ——			
Primary Offer	nse	—— Category I	Category II	Other -	
G. Maliciously dis	scharge firearm, etc. in/at occupied building				İ
Attempted	or conspired: 1 count				
	Completed: 1 count				Score
	sawed-off shotgun (1 count)				▼
	Schedule I or II drug while in possession of firearm (1 count)			_	- 1 - 1
	firearm or concealed weapon by convicted felon (1 count)				0
D.:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
Primary Oπer Maximum Penalty:	nse Additional Counts Assign points to each count of the			. Г	
(years)				L	
Additional Of	fenses Assign points to each additional offense (including co	unts) and total the	points		
Maximum Penalty:	Less than 5			٥	
viaximum Fenalty. (Vears)	5. 10				
, , , , , , , , , , , , , , , , , , ,	20			2 -	
	30				
	40 or more			5 L	
Firearm Used	or Brandished		— If YES, a	dd 2 →	0 0
Victim Injury					$\overline{}$
	Threatened or emotional				
	Physical				0 0
	Serious physical			5 ∟	
Prior Convict	ions/Adjudications Assign points to the 5 most recent and	serious prior record	events and tota	I the points -	₩.
Maximum Penalty: (yeaгs)	Less than 20 20, 30 , 40 or more				0 0
Prior Felony (Convictions/Adjudications Against Person —				
Number:	1			1	
and it into the i	2				\downarrow
	3			3 г	, , ,
	4			4	Λ Λ Λ



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



Discharge Firearm in Building

Background Sentencing Information

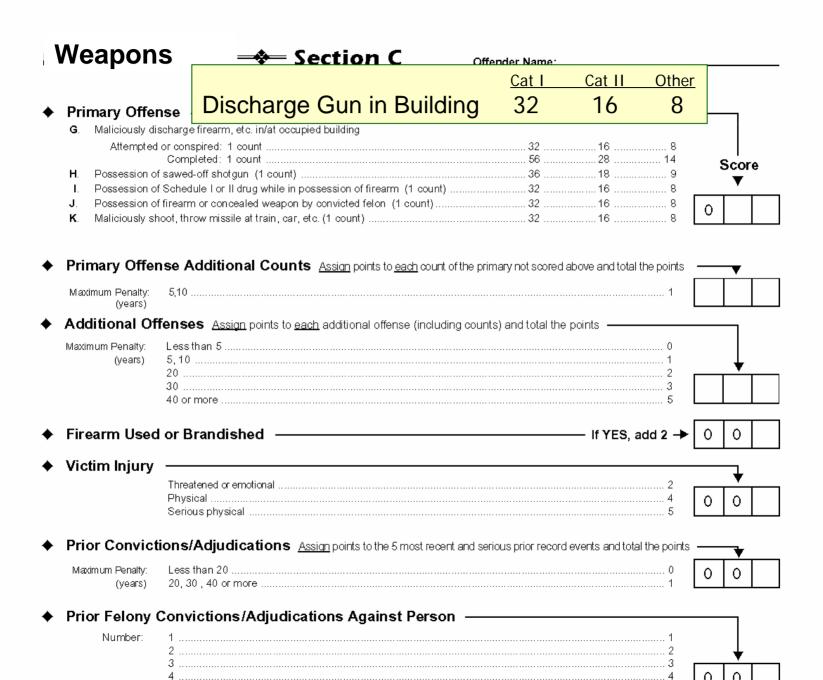
	Percent	Median Sentence
No Incarceration	47%	
Up to 6 Months	31%	3 Months
More than 6 Months	22%	1 Year

^{*} Number of Cases: 101 (5 years)



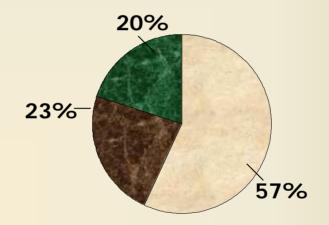
Weapons	Section A Offender Name:		
H. Possession of sawe I. Possession of Sche J. Possession of firear 1 cc 2 cc	Discharge Firearm in Building le firearm, etc., in/at occupied building (1 count) d-off shotgun (1 count) dule I or II drug while in possession of firearm (1 count) m or concealed weapon by convicted felon bunt bunt bunts throw missile at train, car, etc. (1 count)	2 4 3 4	Score V
Years: 5-7 8 - 19 - 29 -	Additional Counts Total the maximum penalties for counts of the primary not solvents. 18. 28. 38. or more	1	0
Years: Les 1 - 8 - 19 29	sets Total the maximum penalties for additional offenses, including counts 7	1 2 3 4	0
◆ Victim Injury — Thr Ser	eatened, emotional or physicalious physical	1	0
	m Conviction for Current Event s/Adjudications	_	0 s ¬
2 -	ss then 2 38 or more	1	0
◆ Prior Incarceration	ons/Commitments ————	If YES, add 4 🛶	0

Primary Offense	Discharge Firearm in Building	8 –	
H. Possession of saw	ed-off shotgun (1 count)	6	▼
I. Possession of con	cealed weapon - not firearm by convicted felon (1 count)	7	
Possession of firea	ırm by convicted felon (1 count)	7	
J. Maliciously shoot,	throw missile at train, car, etc. (1 count)	7	
Primary Offens	e Additional Counts Total the maximum penalties for counts of the primary not score	ed above ——	
	9		
	- 19		
20	- 29	4	+
30	- 39	5	0
40	or more	6	
Years: Lea 1 - 10 20	Total the maximum penalties for additional offenses, including counts se than 1 9 - 19 - 29 - 39	2 3 4	
40	or more	6	0
	Primary offense child neglect /abuse Points or physical	Points	



Discharge Firearm in Building

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





Recommendation 14

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



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



Discharge Firearm From Vehicle

Background Sentencing Information

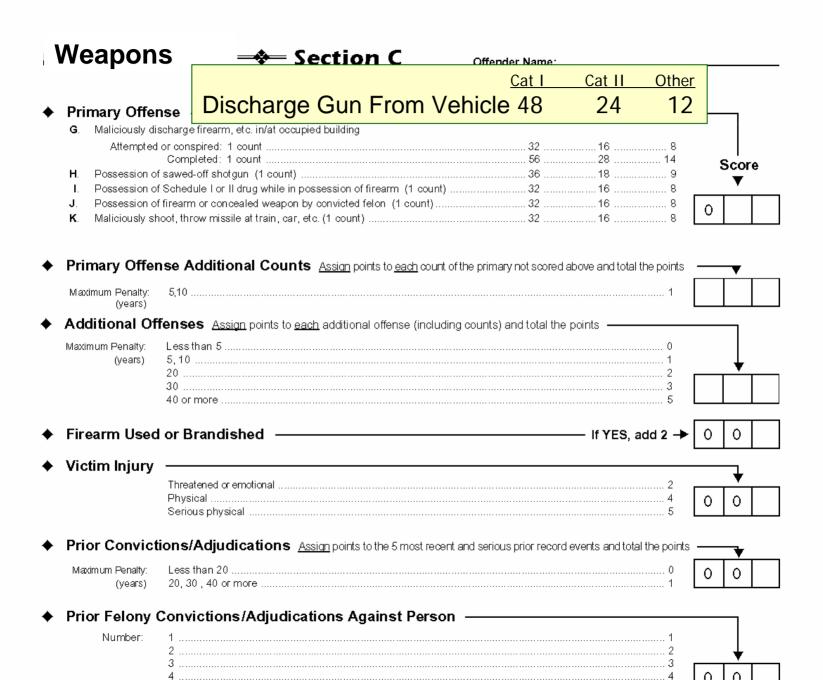
	Percent	Median Sentence
No Incarceration	27%	
Up to 6 Months	30%	3.5 Months
More than 6 Months	43%	2 Years

^{*} Number of Cases: 40 (5 years)



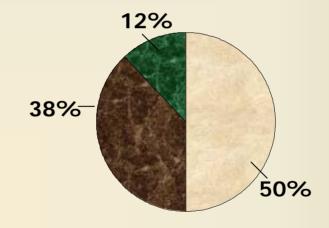
Weapons	→ Section A	offender Name:	
◆ Primary Offense	Discharge Firearm From M	Notor Vehicle 1	
Possession of sawed Possession of Schedi Possession of firearm 1 cou 2 cou	firearm, etc., in/at occupied building (1 count) -off shotgun (1 count) -ule I or II drug while in possession of firearm (1 count) -or concealed weapon by convicted felon		Score V
◆ Primary Offense A	additional Counts Total the maximum penalties for	counts of the primary not scored above ———	
8 - 18	3 28	2	
29 - ;	38 · more	4	0
◆ Additional Offens	es Total the maximum penalties for additional offenses, i	ncluding counts —	
1 - 7 8 - 1:	than 1	1 2	<u> </u>
39 or	38 more		0
◆ Victim Injury ——		_	*
	atened, emotional or physical ous physical		0
♦ Mandatory Firearr	n Conviction for Current Event ————	If YES, add 6 →	0
◆ Prior Convictions	/Adjudications Total the maximum penalties for th	e 5 most recent and serious prior record even	ts —
2 - 3	than 2 8 r more	1	0
◆ Prior Incarceration	ns/Commitments ——————	─────────────────────────────────────	0

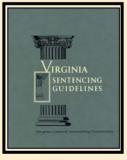
	ense	Dischar	rge Fire	earm From Motor	venicie	8 –	
Possession of	f sawed-of	fshotgun (1 cou	nt)			6	
I. Possession o	f conceal	d weapon - not	firearm by conv	victed felon (1 count)		7	T T
Possession o	f firearm l	y convicted felor	n (1 count)			7	
. Maliciously sh	noot, thros	missile at train.	, car, etc. (1 ca	ount)		7	
Primary Off	fense A	dditional C	ounts <u>Total</u>	the maximum penalties for counts of th	e primary not score	d above ——	
Years:	5 - 9					2	
	10 - 19					3	
	20-29					4	- ↓
	30 - 39					5	
Additional (40 or m	ore				6	<u> </u>
Additional (Years:	40 or m Offense Less th 1 - 9 10 - 19 20 - 29 30 - 39	S Total the m	aximum penalt		counts	0 2 3 4	0



Discharge Firearm From Vehicle

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





Recommendation 15

Add Discharge Firearm From Motor Vehicle § 18.2-286.1



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



Possess Firearm at School

Background Sentencing Information

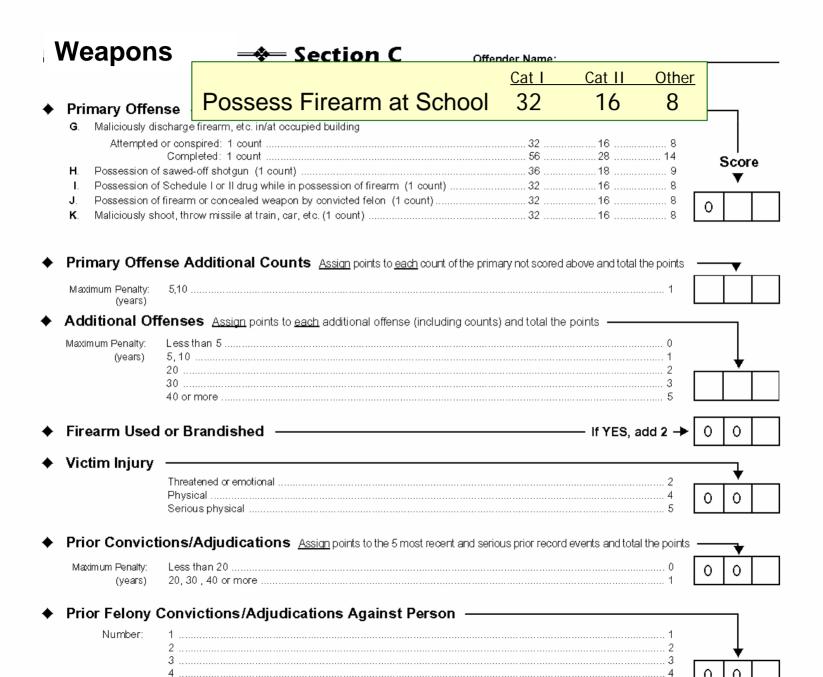
	Percent	Median Sentence
No Incarceration	67%	
Up to 6 Months	25%	4 Months
More than 6 Months	8%	1.5 Years

^{*} Number of Cases: 24 (5 years)



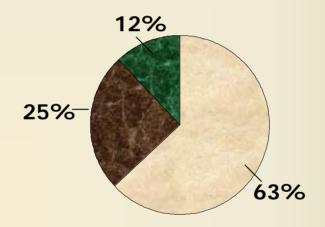
Weapons	- ⇔- Se	ection A	O	ffender Name:			
♦ Primary Offense	Possess Fi	rearm at	School		1_		
 H. Possession of sawed I. Possession of Sched J. Possession of firearm 	firearm, etc., in/at occupion off shotgun (1 count)ule I or II drug while in pos nor concealed weapon by Int	session of firearm (1	count)		2 4	Score	·e
	ıntsrow missile at train, car,					0	
◆ Primary Offense A	dditional Counts	<u>Total</u> the maximum	penalties for o	counts of the primary n	ot scored above ——		
8 - 19	3 28				2	\downarrow	
29 - 3	38 more				4	0	
♦ Additional Offense	es <u>Total</u> the maximum	penalties for addition	nal offenses, ir	ncluding counts ——			
1 - 7 8 - 1 19 - 29 - :	than 1					0	
▶ Victim Injury —	more				5	—	
	atened, emotional or phy ous physical					0	
♦ Mandatory Firearr	n Conviction for (Current Event			– If YES, add 6 →	0	
 Prior Convictions 	/Adjudications ⊥	<u>otal</u> the maximum p	enalties for the	e 5 most recent and se	rious prior record ever	nts —	
2 - 3	than 2 8r more				1	0	
◆ Prior Incarceration	ns/Commitments				− If YES, add 4 —▶	0	

Primary Offe	ense Po	ssess Fire	arm at School		7	
H. Possession of	sawed-off sho	jun (1 count)			6	
I. Possession o	f concealed we	apon - not firearm by o	onvicted felon (1 count)		7	Πİ
Possession o	f firearm by co	victed felon (1 count).			7	
J. Maliciously sh	oot, throw mis	ile at train, car, etc. (1	1 count)		7	
			otal the maximum penalties for coul			
Years:						
					5	
						0
6 - 1 - 1 : 4 : 1 : 4	40 or more .					0
Additional (Years:	40 or more Dffenses Less than 1 1 - 9	<u>Fotal</u> the maximum pen		eluding counts		0
Years: Victim Injury	40 or more	<u>Fotal</u> the maximum pen	nalties for additional offenses, inc	Studing counts		
Years: Victim Injury Primary offense oth Threatened, emo	40 or more Dffenses Less than 1 1 - 9	<u>[otal</u> the maximum pen	Primary offense child no	Studing counts		



Possess Firearm at School

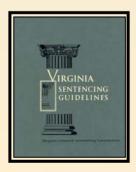
- Base Sentence on Section C is 8 months
- Concurrence:





Recommendation 16

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



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

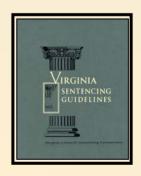


Criminal History Check

Background Sentencing Information

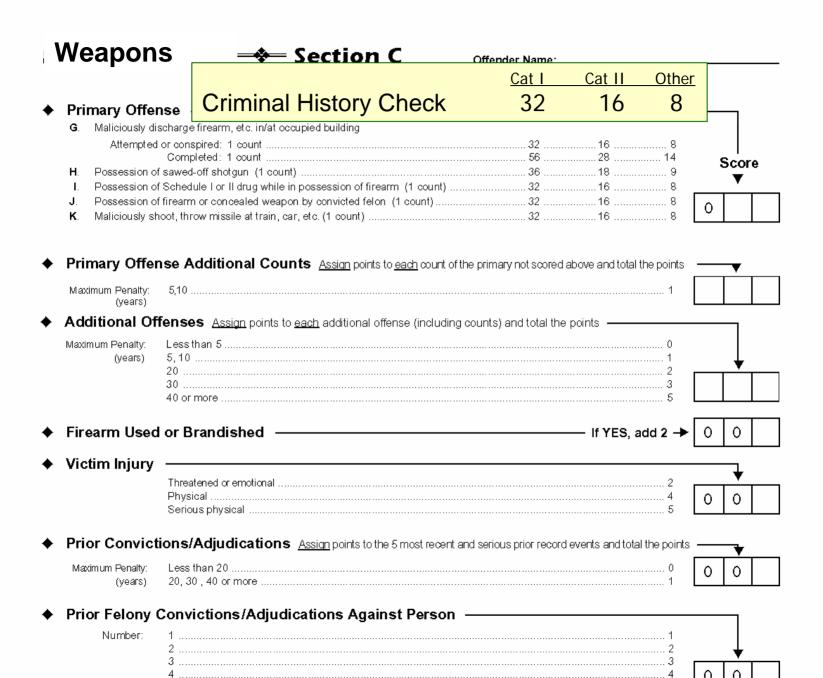
	Percent	Median Sentence
No Incarceration	77%	
Up to 6 Months	14%	3 Months
More than 6 Months	9%	1 Year

^{*} Number of Cases: 240 (5 years)



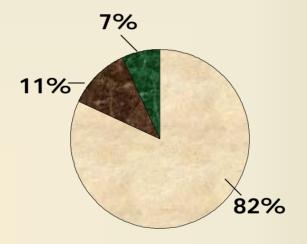
Weapons	Section A Offender Name:	
H. Possession of sawe I. Possession of Sche J. Possession of firea 1 o 2 o	False Statement - Criminal History Check ge firearm, etc., in/at occupied building (1 count) ged-off shotgun (1 count) ged-off	Score V
Years: 5- 8- 19 29	Additional Counts Total the maximum penalties for counts of the primary not scored above 1 7 1 18 2 - 28 3 - 38 4 or more 5	0
Years: Le 1 - 8 - 19 29	Ses Total the maximum penalties for additional offenses, including counts ss than 1 0 7 1 18 2 - 28 3 - 38 4 or more 5	0
► Victim Injury —	reatened, emotional or physical	0
	rm Conviction for Current Event	• 0
2 -	ss than 2 0 38 1 or more 2	0
▶ Prior Incarceration	ons/Commitments — If YES, add 4 →	0

I. Possession of	f sawed-off shotgun (1 count)		
		6	▼
Possession of	f concealed weapon - not firearm by convicted felon (1 count)	7	Γİ
	f firearm by convicted felon (1 count)	7	
J. Maliciously sh	noot, throw missile at train, car, etc. (1 count)	7	
	fense Additional Counts <u>Total</u> the maximum penalties for counts of the primary		
Years:	5-9		
	10 - 19		
	20 - 29		
	30 - 39	5	1 ^ 1
Additional (40 or more		<u> </u>
Additional (Offenses Total the maximum penalties for additional offenses, including counts Less than 1		
	Offenses Total the maximum penalties for additional offenses, including counts Less than 1	0	
	Offenses Total the maximum penalties for additional offenses, including counts Less than 1	0 2 3	
	Offenses Total the maximum penalties for additional offenses, including counts Less than 1 1 - 9 10 - 19 20 - 29	0 	
	Offenses Total the maximum penalties for additional offenses, including counts Less than 1	02345	



Criminal History Check

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





Recommendation 17

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