

Other Sexual Assault Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after **July 1, 2007**.

◆ **OFFENDER**

First: _____ **Middle:** _____

Last:

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 Suffix:

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Date of Birth: / / Social Security Number: - -

CCRE:

V	A								
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 PSI Number:

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For Use by Probation Officer

◆ COURT

Judicial Circuit : City/County: FIPS Code:

Judge's Name: _____

Preparer Name: _____ Preparer Title: ☐ Commonwealth's Attorney ☐ Probation Officer

Prosecuting Commonwealth's Attorney: _____ Defense Attorney: _____

◆ CONVICTIONS

Offense	Counts	VCC	Offense Date
Primary Offense:			Month Day Year

Additional Offenses:		
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Primary Offense Code Section : § _____ Docket Number: _____

◆ METHOD OF ADJUDICATION

☐ Jury Trial → **Sentence Set by Jury:** ☐ Life Sentence
Enter Sentence

☐ Bench Trial ☐ Guilty Plea ☐ Alford Plea/Nolo contendere

◆ SENTENCING GUIDELINES RECOMMENDATIONS

Section B

- ☐ Probation/No Incarceration
- ☐ Incarceration 1 Day to 3 Months
- ☐ Incarceration 3 to 6 Months

Mandatory Minimum _____

Section C

 Incarceration *(Enter Midpoint and Range Below)*

Range Midpoint

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Sentence Range

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TO

Years Months

☐ Recommendation Adjusted for **Mandatory Minimum**

Modifications Based on Risk Assessment

The upper end of the sentence range can be adjusted based on the risk assessment level.

Characteristics of the offender and the circumstances of the offense may have correlated with a significant risk of recidivism among other sex offenders. If so, the upper end of the recommended sentence range has been increased **by:**

Check one

-  **300% - Level 1**
-  **100% - Level 2**
-  **50% - Level 3**
-  **No Adjustment**

Adjusted High End

Years			Months	



Final Disposition

Fill in after sentence has been pronounced.

◆ SENTENCE

Total Time Imposed Before Suspension ☐ Life Sentence +

Years	Months	Days

Total Time to Serve (effective) ☐ Life Sentence +

Years	Months	Days

☐ Sentenced to Time Served

Post Release Term §18.2 -10

Years	Months	Days

Post Release Supervision Period §19.2 - 295.2 (A)

Years	Months	Days

Probation Period (Supervised) §19.2 - 303 ☐ Indefinite

Years	Months	Days

Check all that apply

☐ Incarceration Sentence to Run Concurrently With Another Sentencing Event

☐ Written Plea Agreement Accepted ☐ Oral Sentence Recommendation Accepted

☐ Restitution \$, , .

☐ Fine \$, , .

Other Sentencing Programs (Check all that apply)

☐ Day Reporting

☐ Community-Based Program

Specify type or name of program

☐ Diversion Center Incarceration

☐ Detention Center Incarceration

☐ Electronic Monitoring

☐ Drug Court

☐ Unsupervised Probation

☐ Intensive Probation

☐ §18.2-251

☐ Youthful Offender

☐ Other

Specify type or name of program

Office Use Only

◆ REASON FOR DEPARTURE

Must be completed pursuant to §19.2-298.01(B)

Office Use Only		

◆ SENTENCING DATE

Judge's Signature

	/		/	
Month		Day		Year

◆ ATTACH COURT ORDER AND MAIL

Pursuant to §19.2-298.01(E)

After sentencing, send to:

Virginia Criminal Sentencing Commission • Fifth Floor • 100 North Ninth Street • Richmond, Virginia 23219

Office Use Only

Error Code

Audit Code

PSI

Misc.

Other Sexual Assault ❖ Section A (Part I)

Offender Name: _____

◆ Offenses Not Applicable for Risk Assessment:

☐ Risk Assessment is **NOT APPLICABLE** if the primary offense is bestiality, bigamy, non-forcible sodomy, prostitution, child pornography or child solicitation. (Go to Section A (Part II))

◆ Offender's Age at Time of Offense

Younger than 35 years 12
35 to 46 years 4
Older than 46 years 0

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◆ Less than 9th Grade Education (by conviction date)

If YES, add 4 →

0	
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◆ Not Regularly Employed (2 years prior to arrest date)

If YES, add 5 →

0	
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◆ Offender's Relationship with Victim

Victim Under Age 10 Relative 0
 Known to victim (not relative or step-parent) 4
 Stranger 4
 Step-parent 9
Victim Age 10 or more Relative 2
 Known to victim (not relative or step-parent) 3
 Stranger 8
 Step-parent 2

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0	
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◆ Aggravated Sexual Battery (Primary Offense §18.2-67.3)

No penetration or attempted penetration 0
Penetration or attempted penetration 4

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0	
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◆ Location of Offense

Place of employment 0
Shared victim/offender residence 3
Outdoors 3
Motor Vehicle 4
Victim's residence (not offender's) 5
Offender's residence or other residence 9
Location other than listed 3

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0	
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◆ Prior Adult Felony/Misdemeanor Arrests for Crimes Against Person

Number: 0 Felonies 1 - 3 Misdemeanors 1
 4+ Misdemeanors 8
 1 Felony 0 - 2 Misdemeanors 5
 3+ Misdemeanors 8
 2+ Felonies 0 - 3 Misdemeanors 8
 4+ Misdemeanors 15

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◆ Prior Incarcerations/Commitments

If YES, add 3 →

0	
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◆ Prior Treatment

Prior mental health commitment 0
Prior mental health treatment 2
Prior alcohol or drug treatment 3
No prior treatment 4

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0	
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Risk Score

Risk Level
(Risk Score)

- ☐ 44 or more Level 1
☐ 34 - 43 Level 2
☐ 28 - 33 Level 3
☐ up to 27 No Adjustment

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Go to **Section A (Part II)**

Other Sexual Assault ❖ Section A (Part II)

Offender Name: _____

◆ Primary Offense

- A. Other than listed below (1 count) 1
B. Non-forcible sodomy, parent/grandparent to child or grandchild age 13 to 17 (1 count) 7
C. Non-forcible sodomy, no parental relationship
 1 count 3
 2 counts 4
 3 counts 13
D. Indecent liberties with child
 1 - 2 counts 2
 3 counts 3
E. Non-forcible carnal knowledge of child age 13, 14 (statutory rape)
 1 count 2
 2 counts 8
 3 counts 12
F. Aggravated sexual battery
 1 count 3
 2 counts 6
 3 counts 9
G. Incest with own child/grandchild (1 count) 3
H. Incest with own child/grandchild age 13 to 17 (1 count) 2
I. Produce sexually explicit materials involving minor; Entice, etc., minor to perform in sexually explicit material; Participate in filming, etc., of sexually explicit material involving minor; Sell, give, distribute, transmit sexually explicit material involving minor; Finance sexually explicit material involving minor (1 count) 5
J. Electronic means for procuring minor for obscene material, etc.; Electronic means to solicit minors for sodomy, etc.; Possess obscene material - child pornography, 1st offense (1 count) 6
K. Possess obscene material - child pornography, 2nd or subsequent offense (1 count) 9

Score

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

- Years: 5 - 26 1
 27 - 52 2
 53 or more 3

0	
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◆ Additional Offenses Total the maximum penalties for additional offenses, including counts

- Years: Less than 1 0
 1 - 26 1
 27 - 52 2
 53 or more 3

0	
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◆ Victim Less than Age 13 at Time of Offense _____ If YES, add 5

0	
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◆ Victim Injury

- Threatened or emotional 2
Physical or serious physical 4

0	
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◆ Prior Convictions/Adjudications Total maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 3 0
 3 - 18 1
 19 - 31 2
 32 - 44 3
 45 or more 4

0	
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◆ Prior Felony Sexual Assault Convictions/Adjudications

- Number: 1 1
 2 2
 3 or more 3

0	
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◆ Prior Incarcerations/Commitments _____ If YES, add 3

0	
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◆ Legally Restrained at Time of Offense

- None 0
Other than parole/post-release, supervised probation or CCCA 2
Parole/post-release, supervised probation or CCCA 3

0	
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◆ Risk Assessment Score (From Section A Part I)

- Less than 28 0
28 or more (Level 1, 2, or 3) 8

0	
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Total Score

If total is 8 or less, go to **Section B**. If total is 9 or more, go to **Section C**.

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Other Sexual Assault ❖ Section B

Offender Name: _____

◆ Primary Offense

- A. Other than listed below (1 count) 1
- B. Aggravated sexual battery
- 1 count 2
- 2 counts 4
- 3 counts 6
- C. Produce sexually explicit materials involving minor; Entice, etc., minor to perform in sexually explicit material; Participate in filming, etc., of sexually explicit material involving minor; Sell, give, distribute, transmit sexually explicit material involving minor; Finance sexually explicit material involving minor; Electronic means for procuring minor for obscene material, etc.; Electronic means to solicit minors for sodomy, etc.; Possess obscene material - child pornography, 1st offense 1

Score

0	
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◆ Primary Offense Additional Counts Total the maximum penalties for counts of the primary not scored above

- | | |
|----------------------|---------------------|
| Years: 5 - 7 2 | 27 - 30 8 |
| 8 - 11 3 | 31 - 34 9 |
| 12 - 15 4 | 35 - 37 10 |
| 16 - 19 5 | 38 - 41 11 |
| 20 - 22 6 | 42 or more 12 |
| 23 - 26 7 | |

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

- | | |
|----------------------------|---------------------|
| Years: Less than 1 0 | 23 - 26 7 |
| 1 - 2 1 | 27 - 30 8 |
| 3 - 7 2 | 31 - 34 9 |
| 8 - 11 3 | 35 - 37 10 |
| 12 - 15 4 | 38 - 41 11 |
| 16 - 19 5 | 42 or more 12 |
| 20 - 22 6 | |

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◆ Victim Less than Age 13 at Time of Offense If YES, add 3

0	
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◆ Prior Convictions / Adjudications Total the maximum penalties for the 5 most recent and serious prior record events

- Years: Less than 3 0
- 3 - 19 1
- 20 - 39 2
- 40 or more 3

0	
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◆ Prior Incarcerations / Commitments If YES, add 1

0	
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Total Score

See Other Sexual Assault Section B Recommendation Table to convert score to guidelines sentence.

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Other Sexual Assault Section C

Offender Name: _____

Primary Offense

Prior Record Classification
☐ Category I ☐ Category II ☐ Other

A. All attempted or conspired sexual assault (1 count)	24	12	6
B. Completed sexual assault other than listed below (1 count)	36	18	9
C. Non-forcible sodomy, no parental relationship			
1 count	24	12	6
2 counts	40	20	10
3 counts	104	52	26
D. Non-forcible sodomy, parent/grandparent to child/grandchild age 13 - 17			
1 count	36	18	9
E. Indecent liberties with child			
1 count	24	12	6
2 counts	40	20	10
3 counts	104	52	26
F. Non-forcible carnal knowledge of child age 13 - 14 (statutory rape)			
1 count	36	18	9
G. Incest with own child/grandchild (1 count)	104	52	26
H. Incest with own child/grandchild age 13 - 17 (1 count)	104	52	26
I. Aggravated sexual battery			
1 count	90	60	34
2 counts	132	88	50
3 counts	288	192	108
J. Electronic means for procuring minor for obscene material etc.;			
Electronic means to solicit minors for sodomy, etc.;			
Participate in filming, etc. of sexually explicit material involving minor;			
Entice, etc., minor to perform in sexually explicit material;			
Possess obscene material-child pornography, 1st offense			
1 count	68	34	17
K. Produce sexually explicit materials involving minor;			
Sell, give, distribute, transmit sexually explicit material involving minor;			
Possess obscene material-child pornography, 2nd or subsequent offense;			
Finance sexually explicit material - minor			
1 count	100	50	25

Score

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Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty	5	5
(years)	10	10
	20	19

0		
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Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty	Less than 1	0
(years)	1	1
	2	2
	3	3
	4	4
	5	5
	10	10
	20	19
	30	29
	40 or more	39

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Weapon Used, Brandished, Feigned or Threatened

If YES, add 4

0	0	
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Victim Injury

Threatened or emotional	6
Physical or serious physical	9

0	0	
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Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty	Less than 2	0
(years)	2, 3, 4, 5	1
	10	3
	20	6
	30	9
	40 or more	12

0		
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Prior Felony Sexual Assault Convictions/Adjudications

Number:	1	8
	2	15
	3 or more	23

0		
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On Post-Incarceration Supervision

If YES, add 5

0	0	
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Total Score

See Other Sexual Assault Section C Recommendation Table for guidelines sentence range.

If necessary, on the cover sheet also enter the adjusted high end of the guidelines sentence range based on Risk Level: ☐ 1 ☐ 2 ☐ 3 or ☐ n/a

Other Sexual Assault/Section C Eff. 7-1-07

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