

Assault Section A

Offender Name: _____

◆ Primary Offense

- A. Assault and battery against a family member, third or subsequent conviction (1 count) 2
- B. Assault and battery against a law enforcement officer, fire or rescue personnel, etc. (1 count) 6
- C. Any attempted or conspired assault and battery or unlawful injury (1 count) 1
- D. Unlawful injury to law enforcement officer, fire or rescue personnel (1 count) 7
- E. Any other unlawful injury
 - 1 count 1
 - 2 counts 3
- F. Any attempted or conspired malicious injury or aggravated malicious injury (1 count) 3
- G. Aggravated malicious injury (1 count) 7
- H. Malicious injury to a law enforcement officer, fire or rescue personnel (1 count) 7
- I. Any other malicious injury (1 count) 7
- J. Use of firearm in the commission of a felony (1 count) 4
- K. Victim permanently impaired, DWI with reckless disregard
 - 1 count 1
 - 2 counts 3

Score

▼

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◆ Primary Offense Additional Counts

Total the maximum penalties for counts of the primary not scored above

- | | | | |
|---------------------|---|------------------|---|
| Years: 3 - 10 | 1 | 24 - 31 | 4 |
| 11 - 17 | 2 | 32 - 39 | 5 |
| 18 - 23 | 3 | 40 or more | 6 |

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0	
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◆ Additional Offenses

Total the maximum penalties for additional offenses, including counts

Primary offense DWI with reckless disregard	
Years	Points
Less than 2	0
2 - 17	2
18 - 23	3
24 - 31	4
32 - 39	5
40 or more	6

Primary offense OTHER THAN DWI with reckless disregard	
Years	Points
Less than 2	0
2 - 10	1
11 - 17	2
18 - 23	3
24 - 31	4
32 - 39	5
40 or more	6

▼

0	
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◆ Weapon Used

- None 0
- Automobile, simulated weapon or other than firearm 1
- Firearm 2

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0	
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◆ Serious Physical Victim Injury

If YES, add 2

0	
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◆ Prior Convictions/Adjudications

Total the maximum penalties for the 5 most recent and serious prior record events

Primary offense DWI with reckless disregard	
Years	Points
Less than 1	0
1 - 46	2
47 or more	3

Primary offense OTHER THAN DWI with reckless disregard	
Years	Points
Less than 7	0
7 - 23	1
24 - 46	2
47 or more	3

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0	
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◆ Prior Incarcerations/Commitments

If YES, add 2

0	
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◆ Prior Juvenile Record

If YES, add 2

0	
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◆ Legally Restrained at Time of Offense

- None 0
- Other than post-incarceration supervision 3
- Post-incarceration supervision (supervision after active incarceration) 5

▼

0	
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SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE AT CONVICTION IS ASSAULT & BATTERY AGAINST A FAMILY MEMBER - § 18.2-57.2(B)

◆ Type of Prior Felony Person Convictions/Adjudications

- None 0
- Assault and battery against a family member, third or subsequent (§18.2-57.2(B)) 3
- Other person felony 4

▼

0	
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Total Score

If total is 5 or less, go to **Section B**. If total is 6 or more, go to **Section C**.

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Assault Section B

Offender Name: _____

◆ **Victim Injury** _____

Threatened, emotional, or physical	2	
Serious physical	4	

Score

▼

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

Years: Less than 5	1	
5 or more	2	

0	
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◆ **Weapon Used or Brandished** _____ **If YES, add 2** →

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 5	0	
5 - 18	1	
19 - 38	2	
39 or more	3	

0	
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◆ **Prior Juvenile Record** _____ **If YES, add 3** →

0	
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**SCORE THE FOLLOWING FACTORS ONLY IF PRIMARY OFFENSE AT CONVICTION IS
ASSAULT & BATTERY AGAINST A FAMILY MEMBER - § 18.2-57.2(B)**

◆ **Prior Incarcerations/Commitments** _____

Number: 1	1	
2	3	
3 or more	5	

0	
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◆ **Prior Misdemeanor Convictions/Adjudications** _____

Number of Counts: 1 - 2	0	
3 - 5	1	
6 - 8	2	
9 or more	3	

0	
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Total Score _____ →

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

Assault Section C

Offender Name: _____

____ Prior Record Classification ____

◆ **Primary Offense** _____ Category I Category II Other

A. Assault and battery against a family member, third or subsequent conviction (1 count)	28	14	7
B. Assault and battery against a law enforcement officer, fire or rescue personnel, etc. (1 count)	32	16	8
C. Unlawful injury (1 count)	32	16	8
D. Any attempted or conspired malicious injury (1 count)	68	34	17
E. Any completed malicious injury			
1 count	102	68	34
2 counts	120	80	40
3 counts	204	136	68
F. Aggravated malicious injury (1 count)	264	176	88
G. Use of firearm in the commission of a felony - first offense (1 count)	32	32	32
H. Use of firearm in the commission of a felony - subsequent offense (1 count)	56	56	56
I. Victim permanently impaired, DWI with reckless disregard (1 count)	48	24	12

Score

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

Primary offense malicious, aggravated malicious wounding or use of firearm

Maximum Penalty (years)	Points
3	2
5	3
10	6
20	13
30	19
Life	26

Primary offense unlawful injury, any assault and battery or DWI with reckless disregard

Maximum Penalty (years)	Points
5	3
10	5

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

Primary offense malicious, aggravated malicious wounding or use of firearm

Maximum Penalty (years)	Points
Less than 1	0
1,2	1
3	2
4,5	3
10	6
20	13
30	19
40 or more	26

Primary offense unlawful injury, any assault and battery or DWI with reckless disregard

Maximum Penalty (years)	Points
Less than 1	0
1,2	1
3,4	2
5	3
10	5
20	11
30	16
40 or more	22

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◆ **Weapon Used**

Primary offense malicious, aggravated malicious wounding or use of firearm

Simulated weapon or other than listed below	0
Knife or firearm	4

Primary offense unlawful injury, any assault and battery or DWI with reckless disregard

Simulated weapon or other than listed below	0
Knife	2
Firearm	3

0	0	
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◆ **Number of Victims Receiving Serious Physical Injury**

Primary offense malicious, aggravated malicious wounding or use of firearm

Number	Score
1	14
2	70
3 or more	85

Primary offense unlawful injury, any assault and battery or DWI with reckless disregard

Number	Score
1 or more	3

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

Primary offense malicious, aggravated malicious wounding or use of firearm

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

Primary offense unlawful injury, any assault and battery or DWI victim impaired

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

0		
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◆ **Prior Felony Convictions/Adjudications Against Person**

Primary offense malicious, aggravated malicious wounding or use of firearm

Number	Score
1	6
2	12
3 or more	18

Primary offense unlawful injury, any assault and battery or DWI with reckless disregard

Do Not Score

0		
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◆ **Legally Restrained at Time of Offense**

Primary offense malicious, aggravated malicious wounding or use of firearm

If YES, add 6

Primary offense unlawful injury, any assault and battery or DWI with reckless disregard

If YES, add 2

0	0	
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Total Score

See Assault Section C Recommendation Table for guidelines sentence range.

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