



D.C. CRIMINAL CODE REFORM COMMISSION

MEMORANDUM #43: MAXIMUM STATUTORY PENALTIES FOR
ROBBERY AND CARJACKING
ACROSS CRIMINAL CODES OF THE FIFTY STATES

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DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION
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INTRODUCTION

This report analyzes major trends in the maximum statutory penalties for robbery and carjacking in the 50 states. It also compares these penalties to the maximum statutory penalties for robbery and carjacking in the current D.C. Code and the 2022 proposed Revised Criminal Code Act of 2022 (proposed RCCA).¹

The Criminal Code Reform Commission (CCRC) undertook this research and analysis to make precise comparisons to specific types of prohibited conduct in the current D.C. Code and the proposed RCCA. After researching the matter, the CCRC did not find any pre-existing source that compiles statutory maximum sentences authorized under the criminal codes of the 50 states.

For each of the 50 states, the CCRC researched: 1) the robbery and/or carjacking statutes;² 2) any sentencing statutes establishing maximum statutory penalties; and 3) any sentencing enhancements for committing offenses while armed. As necessary, the CCRC researched relevant state case law and consulted with state practitioners.

This research is intended to compare the maximum sentences imposed for robbery and carjacking in isolation and there are several important limitations. First, the CCRC did not include enhancements for repeat offenders. Both current District law and the proposed RCCA include separate penalty enhancements for repeat offenders. Second, the CCRC did not include other offenses that could potentially be charged, such as weapons offenses or assault, because it would be difficult to consistently compare these across the 50 states. Third, as relevant, the CCRC used a state's basic or presumptive penalty, as opposed to an extended or aggravated penalty.³

Given these limitations, this survey is intended to be a broad analysis of maximum statutory penalties for robbery and carjacking across the 50 states. Future CCRC research could expand the scope to include commonly charged offenses and compare maximum penalties in practice, including extended or aggravated penalties.

In addition, this report only includes *statutory maximums* in the 50 states for robbery and carjacking. Actual time served for robbery or carjacking may not correspond to these statutory maximums for two reasons. First, even the most egregious cases may not receive sentences

¹ The Revised Criminal Code Act of 2022 was passed unanimously by the Council of the District of Columbia and was scheduled to become applicable law in October of 2025. However, President Biden signed a congressional disapproval resolution, which barred the law from going into effect.

² Some states appear to penalize conduct that is essentially robbery with force or threats as an offense other than robbery, such as blackmail. These other offenses were not considered; the CCRC only analyzed other jurisdictions' robbery and carjacking statutes.

³ The terminology varies, but several states have a basic or presumptive penalty for felonies, and an aggravated or extended penalty that may apply if aggravating factors exist. Relevant to this study, these states frequently specify serious bodily injury as an aggravator. In addition, serious bodily injury may satisfy another common aggravator—a particularly cruel or heinous offense—or states that permit consideration of any aggravating factor.

This study did not include aggravated or extended penalties for serious bodily injury because other states account for serious bodily injury through additional assault charges. It would be difficult to consistently compare aggravated penalties and additional offenses across the 50 states. Future CCRC research could include commonly charged offenses and extended or aggravated penalties.

anywhere near the statutory maximum.⁴ Second, many states use parole or other means of post-conviction sentence modification. In these states, even if a defendant is initially sentenced at or near the statutory maximum, their actual period of incarceration may be significantly shorter. In contrast, the District no longer has parole⁵ and has very limited alternate means of post-conviction sentence modification.⁶ Defendants in the District are eligible for good time credit sentence reduction, but such reductions are limited to 15% of the original sentence.⁷ Therefore in practice, the vast majority of convicted persons in the District will serve at least 85% of their initial sentence.

All citations are in the accompanying appendices.

ROBBERY

This part of the survey first discusses national trends for maximum penalties for unarmed robbery and armed robbery. It then compares these trends to the maximum penalties in the current D.C. Code and the proposed RCCA.

National Trends for Robbery

Unarmed robbery

A majority of the 50 states—30—grade unarmed robbery based on the severity of injury.⁸ Within these states, there is significant variation in the maximum statutory penalties.

Ten states of these 30 states have a maximum penalty of life.⁹ However, in the remaining 20 states, the maximum penalties are markedly less severe. Fourteen states have a maximum penalty of 20 years or less,¹⁰ with the lowest maximum penalty being 61 months. Four states have a maximum

⁴ For example, within the District of Columbia, armed carjacking currently carries a 40-year maximum sentence. However, according to sentencing data provided by D.C. Superior Court, the lengthiest sentences imposed for armed carjacking are only around 20 years, or roughly half the statutory max. See, *Criminal Code Reform Commission Advisory Group Memo #40 - Statistics on District Adult Criminal Charges and Convictions*, Appendix D.

⁵ Defendants convicted in the District prior to 2000 are still parole eligible.

⁶ Under current District law, persons who were under the age of 25 at the time of the offense are eligible to request sentence modification after having served a minimum of 20 years. D.C. Code § 24-403.03. Persons who are deemed to be no longer a danger to the safety of any person or the community are eligible for sentence modification if they satisfy requirements related to age, medical condition, or death or incapacitation of the caregiver of the defendant's children. D.C. Code § 24-403.04.

⁷ D.C. Code § 24-221.01b.

⁸ Thirty of the 50 states grade unarmed robbery based on whether there is injury, and the severity: Alabama; Alaska; Arizona; Arkansas; Connecticut; Delaware; Hawaii; Indiana; Iowa; Kansas; Kentucky; Louisiana; Minnesota; Missouri; New Jersey; New York; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; Rhode Island; Tennessee; Texas; Utah; Vermont; Virginia; Washington; West Virginia; Wyoming.

⁹ Ten of the 30 states that grade unarmed robbery based on whether there was injury have a maximum penalty of life: Alabama; Arkansas; Missouri; Oklahoma; Rhode Island; Texas; Utah; Virginia; Washington; West Virginia.

¹⁰ Fourteen of the 30 states that grade unarmed robbery based on whether there was injury have a maximum penalty of 20 years or less: Alaska (7 to 11 years); Arizona (6 years); Connecticut (20 years); Hawaii (20 years); Kansas (61 months); Kentucky (20 years); Minnesota (20 years); New Jersey (20 years); North Dakota (10 years); Ohio (16.5 years maximum possible exposure); Oregon (20 years); Pennsylvania (20 years); Tennessee (12 years); Vermont (20 years).

penalty of 25 years.¹¹ One state has a maximum penalty of 30 years¹² and one state has a maximum penalty of 40 years.¹³

Twenty of the 50 states do not grade unarmed robbery based on injury,¹⁴ and are limited to robbery by force or threats. However, there is also significant variation in maximum penalties in these states.

Three of these 20 states have a maximum penalty of life.¹⁵ The maximum penalties are markedly less severe in the remaining 17 states. Fourteen states have a maximum penalty of 20 years or less,¹⁶ with the lowest maximum penalty being three years. The remaining three states have a maximum penalty of 30 years,¹⁷ 40 years,¹⁸ and 50 years,¹⁹ respectively.

Armed robbery

There is significant variation in the 50 states' maximum statutory penalties for armed robbery.²⁰

Eighteen states have a maximum penalty of life for armed robbery.²¹ Four states have a maximum penalty of 50 years or less.²²

¹¹ Four of the 30 states that grade unarmed robbery based on whether there was injury have a maximum penalty of 25 years: Delaware; Iowa; New York; Wyoming.

¹² One of the 30 states that grade unarmed robbery based on whether there was injury has a maximum penalty of 30 years, Indiana.

¹³ One of the 30 states that grade unarmed robbery based on whether there was injury has a maximum penalty of 40 years, Louisiana.

¹⁴ Twenty states do not grade unarmed robbery based on injury and are limited to unarmed robbery by force or threats: California; Colorado; Florida; Georgia; Idaho; Illinois; Maine; Maryland; Massachusetts; Michigan; Mississippi; Montana; Nebraska; Nevada; New Hampshire; New Mexico; North Carolina; South Carolina; South Dakota; Wisconsin.

¹⁵ Three of the 20 states that do not grade unarmed robbery based on injury and are limited to unarmed robbery by force or threats have a maximum penalty of life: Florida; Idaho; Massachusetts.

¹⁶ Fourteen of the 20 states that do not grade unarmed robbery based on injury and are limited to unarmed robbery by force or threats have a maximum penalty of 20 years or less: California (5 years); Colorado (6 years); Georgia (20 years); Illinois (7 years); Maryland (15 years); Michigan (15 years); Mississippi (15 years); Nevada (15 years maximum possible exposure); New Hampshire (7 years); New Mexico (3 years); North Carolina (25 months exposure); South Carolina (15 years); South Dakota (10 years); Wisconsin (15 years).

¹⁷ One of the 20 states that do not grade unarmed robbery based on injury and are limited to unarmed robbery by force or threats has a maximum penalty of 30 years, Maine.

¹⁸ One of the 20 states that do not grade unarmed robbery based on injury and are limited to unarmed robbery by force or threats has a maximum penalty of 40 years, Montana.

¹⁹ One of the 20 states that do not grade unarmed robbery based on injury and are limited to unarmed robbery by force or threats has a maximum penalty of 50 years, Nebraska.

²⁰ A few states have multiple gradations of armed robbery, differentiating based on the use of the weapon, the type of weapon, and if any injury or death resulted. For these states, this survey used the highest armed robbery gradation, even if it required, for example, use of the firearm or serious bodily injury. In addition, if a state did not have a specific armed robbery offense or gradation, the statutory max for robbery was used and the state was grouped with those that prohibit robbery "while armed".

²¹ Eighteen of the 50 states have a maximum penalty of life for armed robbery: Alabama; Arkansas; California; Florida; Georgia; Idaho; Illinois; Louisiana; Massachusetts; Michigan; Mississippi; Missouri; Oklahoma; Rhode Island; Texas; Utah; Washington; West Virginia.

²² Four of the 50 states have a maximum penalty of 50 years or less for armed robbery: Indiana (50 years); Montana (50 years); Nebraska (50 years); Wisconsin (40 years).

However, in the remaining 28 states, the maximum penalties are markedly less severe. Eighteen states have a maximum penalty of 20 years or less,²³ with the lowest maximum penalty being 61 months. Six states have a maximum penalty of 25 years.²⁴ Three states have maximum penalties of 30 years²⁵ and one state has a maximum penalty of 32 years.²⁶

As will be discussed briefly elsewhere in this report, the 50 states' armed robbery statutes vary in the required involvement of the weapon.

Robbery in the current D.C. Code

Unarmed Robbery

Unlike most states, the current D.C. Code unarmed robbery statute has a single gradation. It does not require any injury. It only requires, in relevant part, force or threats, and includes even non-violent pickpocketing.²⁷

The current D.C. Code maximum penalty for unarmed robbery is 15 years.²⁸ This penalty is relatively severe compared to the 50 states.

²³ Eighteen of the 50 states have a maximum penalty of life of 20 years or less for armed robbery: Alaska (7 to 11 years); Arizona (10.5 years); Connecticut (20 years); Hawaii (20 years); Kansas (61 months); Kentucky (20 years); Maryland (20 years); Minnesota (20 years); New Hampshire (20 years); New Jersey (20 years); New Mexico (14 years); North Carolina (89 months exposure); North Dakota (20 years); Ohio (19.5 years maximum possible exposure); Oregon (20 years); Pennsylvania (20 years); Vermont (20 years); Virginia (20 years).

²⁴ Six of the 50 states have a maximum penalty of life of 25 years for armed robbery: Delaware; Iowa; New York; Tennessee; South Dakota; Wyoming.

²⁵ Three of the 50 states have a maximum penalty of 30 years for armed robbery: Maine; Nevada (maximum possible exposure); South Carolina.

²⁶ One of the 50 states has a maximum penalty of 32 years for armed robbery, Colorado.

²⁷ This survey was limited to the force/threats requirement in the current D.C. robbery statute. However, it should be noted that D.C.'s current robbery statute also prohibits what is essentially nonviolent pickpocketing—"Whoever by force or violence, whether against resistance *or by sudden or stealthy seizure or snatching*, or by putting in fear . . ." D.C. Code § 22-2801 (emphasis added).

Several years ago, the D.C. Criminal Code Reform Commission (CCRC) researched the scope of robbery statutes in comprehensively reformed criminal codes. Although this research would possibly need updating, D.C. appears to be an outlier in penalizing pickpocketing the same as forceful or violent robbery compared to reformed jurisdictions. *See* D.C. Criminal Code Reform Commission, Appendix J. Research on Other Jurisdictions' Relevant Criminal Code Provisions, pages 376-377, available at <https://ccrc.dc.gov/sites/default/files/dc/sites/ccrc/publication/attachments/Appendix-J-Research-on-Other-Jurisdictions-Relevant-Criminal-Code-Provisions.pdf>.

²⁸ D.C. Code § 22-2801.

Only nine states have a higher maximum equivalent penalty for unarmed robbery than D.C.²⁹ D.C. has a higher maximum penalty than the equivalent maximum penalties in 32 states³⁰ and the same maximum penalty as nine states.³¹

In addition, D.C.'s current maximum penalty for unarmed robbery without injury is actually higher than the maximum penalty for robbery *with* injury in five states³² and within 5 years of nine states.³³

Armed Robbery

D.C., like most states, prohibits armed robbery. Current D.C. Code armed robbery requires “armed with or having readily available” a firearm or other dangerous weapon.³⁴

The current D.C. code maximum penalty for armed robbery is 30 years.³⁵ This penalty is relatively severe when compared to the 50 states.³⁶

²⁹ Nine states have a higher maximum penalty for unarmed robbery with force or threats and no injury than D.C. (15 years): Arkansas (20 years); Georgia (20 years); Idaho (life); Massachusetts (life); Montana (40 years); Nebraska (50 years); Rhode Island (30 years); Texas (20 years); West Virginia (18 years).

³⁰ D.C. has a higher maximum penalty (15 years) for unarmed robbery with force or threats and no injury than 32 states: Alaska (1 to 3 years); Alabama (10 years); Arizona (2.5 years); California (5 years); Colorado (6 years); Connecticut (5 years); Delaware (5 years); Hawaii (10 years); Indiana (6 years); Illinois (7 years); Iowa (10 years); Kansas (34 months); Kentucky (10 years); Louisiana (7 years); Maine (10 years); Minnesota (10 years); New Hampshire (7 years); New Mexico (3 years); New York (7 years); North Carolina (25 months exposure); New Jersey (10 years); North Dakota (5 years); Ohio (3 years maximum possible exposure); Oklahoma (10 years); Oregon (5 years); Pennsylvania (7 years); South Dakota (10 years); Tennessee (6 years); Vermont (10 years); Virginia (5 years); Washington (10 years); Wyoming (10 years).

³¹ D.C. has the same maximum penalty (15 years) for unarmed robbery with force or threats and no injury than eight states: Florida; Maryland; Michigan; Mississippi; Nevada (maximum possible exposure); South Carolina; Utah; Wisconsin.

The ninth state, Missouri, requires bodily injury in its lowest gradation of robbery.

³² D.C. has a higher maximum penalty (15 years) for unarmed robbery without injury than five states' highest maximum penalties for unarmed robbery *with* injury: Alaska (7 to 11 years, serious bodily injury); Arizona (6 years, serious bodily injury); Kansas (61 months, bodily injury); North Dakota (10 years, bodily injury); Tennessee (12 years, serious bodily injury).

³³ D.C.'s maximum penalty (15 years) for unarmed robbery without injury is within 5 years of the highest maximum penalty for unarmed robbery *with* injury in nine states: Connecticut (20 years, serious bodily injury); Hawaii (20 years, serious bodily injury); Kentucky (20 years, bodily injury); Minnesota (20 years, bodily injury); New Jersey (20 years, serious bodily injury); Ohio (16.5 years maximum possible exposure, serious bodily injury); Oregon (20 years, serious bodily injury); Pennsylvania (20 years, serious bodily injury); Vermont (20 years, bodily injury).

³⁴ D.C. Code § 22-2803(b)(1). D.C. case law has construed “armed with” to mean “actual physical possession” and “readily available”, at a minimum, as requiring constructive possession. *Clyburn v. United States*, 48 A.3d 147, 154 (D.C. 2012) (reversing sentencing enhancement under D.C. Code § 22-4502 when rifle was located in a different room from where defendant committed the underlying offense); cf. *Guishard v. United States*, 669 A.2d 1306, 1310 (D.C. 1995) (affirming sentencing enhancement under D.C. Code § 22-4502 when firearm was in a dresser drawer in the same room as the underlying offense).

³⁵ D.C. Code §§ 22-2801; 22-4502(a)(1); 22-4501(1B).

³⁶ A few states have multiple gradations of armed robbery, differentiating based on the use of the weapon, the type of weapon, and if any injury or death resulted. For these states, this survey used the highest armed robbery gradation, even if it required, for example, use of the firearm or serious bodily injury. If a state did not have a specific armed robbery offense or gradation, the statutory max for robbery was used and the state was grouped with those that prohibit robbery “while armed”.

Only 11 states have a higher maximum penalty for armed robbery than D.C. *and* are limited to “armed with” or possession like D.C.³⁷ Twelve states have a higher maximum penalty than D.C.,³⁸ but also require some kind of use of the weapon, which D.C. does not.

Of the remaining 27 states, D.C. has a higher maximum penalty for armed robbery than 24,³⁹ and the same maximum penalty as three states.⁴⁰

Robbery in the Proposed Revised Criminal Code Act of 2022 (RCCA)

Unarmed Robbery

Like a majority of states, the proposed RCCA graded robbery, in part, based on the severity of injury. The highest gradation of robbery in the RCCA, first degree robbery, required serious bodily injury and had a maximum penalty of 14 years.

The RCCA’s 14-year maximum penalty for unarmed robbery is consistent with national norms.

³⁷ Eleven states have a higher maximum penalty for armed robbery than D.C. (30 years) and are either limited to “armed with” or possession: Alabama (life); Arkansas (life); Colorado (32 years); Florida (life); Idaho (life); Louisiana (104 years); Massachusetts (life); Michigan (life); Missouri (life); Nebraska (50 years); Washington (life).

³⁸ Twelve states have a higher maximum penalty for armed robbery than D.C. (30 years), but they also require some kind of use of the weapon. D.C. currently does not: California (life); Georgia (life); Illinois (life); Indiana (50 years); Montana (50 years); Oklahoma (life); Rhode Island (life); West Virginia (life); Wisconsin (40 years); Mississippi (life); Texas (99 years); Utah (life).

³⁹ D.C. has a higher maximum penalty for armed robbery (30 years) than 24 states.

Thirteen of these 26 states specifically prohibit “armed with” a dangerous weapon, like D.C.: Connecticut (20 years); Hawaii (20 years); Iowa (25 years); Kansas (61 months); Kentucky (20 years); Minnesota (20 years); New Hampshire (20 years); New Jersey (20 years); New Mexico (14 years); New York (25 years); Oregon (20 years); Pennsylvania (20 years); Vermont (20 years).

One of these 24 states requires possession. Actual possession, and constructive possession when the weapon is “readily available”, satisfy D.C.’s current armed robbery offense: North Carolina (89 months exposure).

Ten of these states require some kind of use of the weapon, a higher threshold than D.C.’s current armed robbery requirements. Alaska (7 to 11 years); Arizona (10.5 years); Delaware (25 years); Maryland (20 years); North Dakota (20 years); Ohio (19.5 years maximum possible exposure); South Dakota (25 years); Tennessee (25 years); Virginia (20 years); Wyoming (25 years).

⁴⁰ Three states have the same maximum penalty as D.C. (30 years) for armed robbery. One of these states, Nevada (maximum possible exposure), requires actual use of the dangerous weapon. The other two states—Maine and South Carolina—require “armed with” a dangerous weapon.

The RCCA's maximum proposed penalty for unarmed robbery was higher than the maximum penalty for unarmed robbery in 12 states⁴¹ and within three years of the maximum penalty in eight states.⁴²

The remaining 30 states have a higher maximum penalty for unarmed robbery than the RCCA's proposed maximum penalty.⁴³ However, although beyond the scope of this analysis, these states may have parole—meaning a person may not serve their entire sentence. In contrast, D.C., does not have parole, and a person will serve at least 85% of their sentence.

Armed Robbery

Like a majority of states, the proposed RCCA included an armed robbery offense. However, unlike most states, the RCCA applied a weapon enhancement to each gradation of robbery.

With the weapon enhancement, the highest gradation of armed robbery in the RCCA required serious bodily injury, caused by the display or use of a dangerous weapon. The proposed maximum penalty was 20 years. The RCCA's 20-year maximum penalty for armed robbery is consistent with national norms.⁴⁴

⁴¹ The RCCA proposed maximum penalty for unarmed robbery was higher than the highest maximum penalty for unarmed robbery penalty in 12 states: Alaska (7 to 11 years, serious bodily injury); Arizona (6 years, serious bodily injury); California (5 years, no injury requirement); Colorado (6 years, no injury requirement); Illinois (7 years, no injury requirement); Kansas (61 months, bodily injury); New Hampshire (7 years, no injury requirement); New Mexico (3 years, no injury requirement); North Carolina (25 months exposure, no injury requirement); North Dakota (10 years, bodily injury); South Dakota (10 year, no injury requirement); Tennessee (12 years, serious bodily injury).

⁴² The RCCA proposed maximum penalty for unarmed robbery with serious bodily injury (14 years) was within 5 years of the maximum unarmed robbery penalty in eight states: Florida (15 years, no injury requirement); Maryland (15 years, no injury requirement); Michigan (15 years, no injury requirement); Mississippi (15 years, no injury requirement); Nevada (15 years maximum possible exposure, no injury requirement); Ohio (16.5 years maximum possible exposure, serious bodily injury); South Carolina (15 years, no injury requirement); Wisconsin (15 years, no injury requirement)

⁴³ Thirty states have a higher maximum penalty for unarmed robbery than the RCCA proposed maximum penalty for unarmed robbery with serious bodily injury (14 years): Alabama (life, serious bodily injury); Arkansas (life, serious bodily injury); Connecticut (20 years, serious bodily injury); Delaware (25 years, bodily injury); Georgia (20 years, no injury requirement); Hawaii (20 years, serious bodily injury); Indiana (30 years, serious bodily injury); Idaho (life, no injury requirement); Iowa (25 years, serious bodily injury); Kentucky (20 years, bodily injury); Louisiana (40 years, serious bodily injury); Maine (30 years, bodily injury); Massachusetts (life, no injury requirement); Minnesota (20 years, bodily injury); Missouri (life, serious bodily injury); Montana (40 years, threaten or inflict bodily injury); Nebraska (50 years, no injury requirement); New Jersey (20 years, serious bodily injury); New York (25 years, serious bodily injury); Oklahoma (life, serious bodily injury); Oregon (20 years, serious bodily injury); Pennsylvania (20 years, serious bodily injury); Rhode Island (life, bodily injury); Texas (99 years, serious bodily injury); Utah (life, serious bodily injury); Vermont (20 years, bodily injury); Virginia (life, serious bodily injury); Washington (life, bodily injury); West Virginia (life, bodily injury); Wyoming (25 years, serious bodily injury).

⁴⁴ A few states have multiple gradations of armed robbery, differentiating based on the use of the weapon, the type of weapon, and if any injury or death resulted. For these states, this survey used the highest armed robbery gradation, even if it required, for example, use of the firearm or serious bodily injury. If a state did not have a specific armed robbery offense or gradation, the statutory max for robbery was used and the state was grouped with those that prohibit robbery "while armed".

The RCCA's maximum proposed penalty for armed robbery was higher than the maximum penalty for armed robbery in six states.⁴⁵ It was the same maximum penalty as in twelve states⁴⁶ and within five years of the maximum penalty in six states.⁴⁷

The remaining 26 states have a higher maximum penalty for armed robbery than RCCA's proposed penalty.⁴⁸ However, although beyond the scope of this analysis, these states may have parole—meaning a person may not serve their entire sentence. In contrast, D.C., does not have parole, and a person will serve at least 85% of their sentence.

⁴⁵ The RCCA proposed maximum penalty for armed robbery with serious bodily injury (20 years) was higher than the maximum penalty for armed robbery in six states: Alaska (7 to 11 years); Arizona (10.5 years); Kansas (61 months); New Mexico (14 years); North Carolina (89 months exposure); Ohio (19.5 years maximum possible exposure).

⁴⁶ The RCCA proposed maximum penalty for armed robbery with serious bodily injury (20 years) was the same as the maximum penalty for armed robbery in twelve states: Connecticut (20 years); Hawaii (20 years); Kentucky (20 years); Maryland (20 years); Minnesota (20 years); New Hampshire (20 years); New Jersey (20 years); North Dakota (20 years); Oregon (20 years); Pennsylvania (20 years); Vermont (20 years); Virginia (20 years).

⁴⁷ The RCCA proposed maximum penalty for armed robbery with serious bodily injury (20 years) was within 5 years of the maximum armed robbery penalty in six states: Delaware (25 years); Iowa (25 years); New York (25 years); South Dakota (25 years); Tennessee (25 years); Wyoming (25 years).

⁴⁸ Twenty-six states have a higher maximum penalty for armed robbery than the RCCA proposed maximum penalty for armed robbery with serious bodily injury (20 years): Alabama (life); Arkansas (life); Colorado (32 years); California (life); Florida (life); Georgia (life); Idaho (life); Illinois (life); Indiana (50 years); Louisiana (104 years); Maine (30 years); Massachusetts (life); Michigan (life); Mississippi (life); Missouri (life); Montana (50 years); Nebraska (50 years); Nevada (30 years maximum possible exposure); Oklahoma (life); Rhode island (life); South Carolina (30 years); Texas (99 years); Utah (life); Washington (life); West Virginia (life); Wisconsin (40 years).

CARJACKING

This part of the survey first discusses national trends for maximum penalties for unarmed carjacking and armed carjacking. It then compares these trends to the maximum penalties in the current D.C. code and the proposed RCCA.

It should be noted that the majority of states do not have a separate carjacking statute. Instead, carjacking falls within the scope of these states' robbery statutes.⁴⁹ In this survey, for states that do not codify a separate carjacking offense, those states' robbery statutes were used to determine the maximum sentence for carjacking.

National Trends for Carjacking

Unarmed Carjacking

Forty-eight of the 50 states criminalize unarmed carjacking offense in a manner comparable to the unarmed carjacking offense in the current D.C. code or former RCCA.⁵⁰

A majority of these 48 states—26—grade carjacking based on the severity of injury.⁵¹ Within these states, there is significant variation in the maximum penalties.

Of these 26 states, seven have a maximum penalty of life.⁵² However, in the remaining 19 states, the maximum penalties are markedly less severe. Eleven states have a maximum penalty of 20 years or less,⁵³ with the lowest maximum penalty being six years. Four states have a maximum penalty of 25 years.⁵⁴ The remaining four states have maximum penalties of 30 years.⁵⁵

⁴⁹ The following states do not have a separate carjacking offense. Instead, carjacking falls within the scope of these states' robbery statutes: Alabama; Alaska; Arizona; Arkansas; Colorado; Connecticut; Delaware; Hawaii; Idaho; Indiana; Iowa; Kansas; Kentucky; Maine; Montana; Nebraska; Nevada; New Hampshire; New Mexico; New York; North Carolina; North Dakota; Ohio; Oklahoma; Oregon; South Dakota; Texas; Utah; Vermont; Washington; West Virginia; Wyoming.

⁵⁰ Georgia and Pennsylvania were excluded from this part of the survey because their unarmed carjacking offenses do not require any force or threats. Instead, they only require a lack of consent or theft of a motor vehicle.

⁵¹ Twenty-six of the 48 states included in this part of the survey grade unarmed carjacking based on whether there is injury, and the severity: Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Missouri, New York, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Texas, Vermont, Washington, West Virginia, Wyoming.

⁵² Seven of the 26 states that grade unarmed carjacking based on whether there was injury have a maximum penalty of life: Alabama; Arkansas; Missouri; Oklahoma; Texas; Washington; West Virginia.

⁵³ Eleven of the 26 states that grade unarmed carjacking based on whether there was injury have a maximum penalty of 20 years or less: Alaska (7 to 11 years); Arizona (6 years); Connecticut (20 years); Hawaii (20 years); Kansas (61 months); Kentucky (20 years); Minnesota (20 years); North Dakota (10 years); Ohio (16.5 years maximum possible exposure); Oregon (20 years); Vermont (20 years).

⁵⁴ Four of the 26 states that grade unarmed carjacking based on whether there was injury have a maximum penalty of 25 years: Delaware; Iowa; New York; Wyoming.

⁵⁵ Four of the 26 states that grade unarmed carjacking based on whether there was injury have a maximum penalty of 30 years: Indiana; Louisiana; Maine; South Carolina.

Twenty-two of the 48 states included in this part of the survey do not grade unarmed carjacking based on injury, and are limited to unarmed carjacking by force or threats.⁵⁶ However, there is also significant variation in maximum penalties in these states.

Four of these 22 states have a maximum penalty of life.⁵⁷ The maximum penalties are markedly less severe in the remaining 18 states. Twelve states have a maximum penalty of 15 years or less,⁵⁸ with the lowest maximum penalty being three years. Four states have a maximum penalty of 30 years,⁵⁹ one state has a maximum penalty of 40 years,⁶⁰ and one state has a maximum penalty of 50 years.⁶¹

Armed Carjacking

Forty-nine of the 50 states criminalize unarmed carjacking in a manner comparable to the unarmed carjacking offense in the current D.C. Code or former RCCA.⁶²

There is significant variation in these states' maximum penalties for armed carjacking.⁶³

Fifteen of the 49 states have a maximum penalty of life for armed robbery.⁶⁴ Four states have a maximum penalty of 60 years or less.⁶⁵

⁵⁶ Twenty-two states do not grade unarmed carjacking and limited to unarmed carjacking by force or threats: California, Colorado, Florida, Idaho, Illinois, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Rhode Island, South Dakota, Tennessee, Utah, Virginia, Wisconsin.

⁵⁷ Four of the 22 states that do not grade unarmed carjacking and are limited to unarmed carjacking by force or threats have a maximum penalty of life: Idaho; Michigan; Utah; Virginia.

⁵⁸ Twelve of the 22 states that do not grade unarmed carjacking and are limited to unarmed carjacking by force or threats have a maximum penalty of 20 years or less: California (9 years); Colorado (6 years); Illinois (15 years); Massachusetts (15 years); Mississippi (15 years); Nevada (15 years maximum possible exposure); New Hampshire (7 years); New Mexico (3 years); North Carolina (25 months exposure); South Dakota (10 years); Tennessee (12 years); Wisconsin (15 years).

⁵⁹ Four of the 22 states that do not grade unarmed carjacking and are limited to unarmed carjacking by force or threats have a maximum penalty of 30 years: Florida; Maryland; New Jersey; Rhode Island.

⁶⁰ One of the 22 states that do not grade unarmed carjacking and are limited to unarmed carjacking by force or threats has a maximum penalty of 40 years: Montana

⁶¹ One of the 22 states that do not grade unarmed carjacking and are limited to unarmed carjacking by force or threats has a maximum penalty of 50 years: Nebraska.

⁶² Pennsylvania was excluded from this part of the survey because its unarmed carjacking offense does not require any force or threats. Instead, it only requires theft of a motor vehicle.

⁶³ A few states have multiple gradations of armed carjacking, differentiating based on the use of the weapon, the type of weapon, and if any injury or death resulted. For these states, this survey used the highest armed carjacking gradation, even if it required, for example, use of the firearm or serious bodily injury. If a state did not have a specific armed carjacking offense or gradation, the statutory max for carjacking was used and the state was grouped with those that prohibit carjacking "while armed".

⁶⁴ Fifteen of the 49 states included in this part of the survey have a maximum penalty of life for armed carjacking: Alabama; Arkansas; California; Florida; Idaho; Illinois; Michigan; Missouri; Oklahoma; Rhode Island; Texas; Utah; Virginia; Washington; West Virginia.

⁶⁵ Four of the 49 states have a maximum penalty of 50 years or less for armed carjacking: Indiana (50 years); Montana (50 years); Nebraska (50 years); Wisconsin (60 years).

However, in the remaining 30 states, the maximum penalties are markedly less severe. Nineteen states have a maximum penalty of 20 years or less,⁶⁶ with the lowest maximum penalty being 61 months. Five states have a maximum penalty of 25 years.⁶⁷ Five states have maximum penalties of 30 years⁶⁸ and one state has a maximum penalty of 32 years.⁶⁹

As will be discussed briefly elsewhere in this report, the 50 states' armed carjacking statutes vary in the required involvement of the weapon.

Carjacking in the current D.C. Code

Unarmed Carjacking

Unlike most states, the current D.C. Code carjacking statute has a single gradation. It does not require any injury. It only requires, in relevant part, force or threats.⁷⁰

The current D.C. Code maximum penalty for unarmed carjacking is 21 years.⁷¹ This penalty is severe compared to the 48 states with comparable unarmed carjacking offenses.⁷²

⁶⁶ Nineteen of the 49 states have a maximum penalty of life of 20 years or less for armed carjacking: Alaska (7 to 11 years); Arizona (10.5 years); Connecticut (20 years); Georgia (20 years); Hawaii (20 years); Kansas (61 months); Kentucky (20 years); Louisiana (20 years); Massachusetts (20 years); Minnesota (20 years); New Hampshire (20 years); New Mexico (14 years); North Carolina (89 months exposure); North Dakota (20 years); Ohio (19.5 years maximum possible exposure); Oregon (20 years); South Carolina (20 years); Tennessee (12 years); Vermont (20 years).

⁶⁷ Five of the 49 states have a maximum penalty of life of 25 years for armed carjacking: Delaware; Iowa; New York; South Dakota; Wyoming.

⁶⁸ Five of the 49 states have a maximum penalty of 30 years for armed carjacking: Maine; Maryland; Mississippi; New Jersey; Nevada (maximum possible exposure).

⁶⁹ One of the 49 states has a maximum penalty of 32 years for armed carjacking, Colorado.

⁷⁰ This survey was limited to the force/threats requirement in the current D.C. carjacking statute. However, it should be noted that D.C.'s current carjacking statute also prohibits what is essentially nonviolent car theft—"A person commits the offense of carjacking if, by any means, that person knowingly by force or violence, whether against resistance *or by sudden or stealthy seizure or snatching*, or by putting in fear . . ." D.C. Code § 22-2803(a)(1) (emphasis added).

As is noted elsewhere in this document, most states do not have a separate carjacking offense, and instead prosecute the offense under robbery. Several years ago, the D.C. Criminal Code Reform Commission (CCRC) researched the scope of robbery statutes in comprehensively reformed criminal codes. Although this research would possibly need updating, D.C. appears to be an outlier in penalizing nonviolent theft/carjacking the same as forceful or violent theft/carjacking compared to reformed jurisdictions. See D.C. Criminal Code Reform Commission, Appendix J. Research on Other Jurisdictions' Relevant Criminal Code Provisions, pages 376-377, available at <https://ccrc.dc.gov/sites/default/files/dc/sites/ccrc/publication/attachments/Appendix-J-Research-on-Other-Jurisdictions-Relevant-Criminal-Code-Provisions.pdf>.

⁷¹ D.C. Code § 22-2803.

⁷² Georgia and Pennsylvania were excluded from this part of the survey. Their unarmed carjacking statutes do not require force or threats and are not comparable to the current D.C. Code carjacking statute.

Of these 48 states, only ten have a higher maximum equivalent penalty for unarmed carjacking than D.C.⁷³ D.C. has a higher maximum penalty than the equivalent maximum penalty in 38 states.⁷⁴

In addition, D.C.'s current maximum penalty for unarmed carjacking without injury is actually higher than the maximum penalty for unarmed carjacking *with* injury in 11 states.⁷⁵

Armed Carjacking

The current D.C. Code armed carjacking statute requires that the person commits carjacking while “armed with or having readily available” a firearm or other dangerous weapon.⁷⁶ The current D.C. Code maximum penalty for armed carjacking is 40 years.⁷⁷ This penalty is severe compared to the 49⁷⁸ states with comparable armed carjacking offenses.⁷⁹

⁷³ Ten states have a higher maximum penalty for unarmed carjacking with force or threats and no injury than D.C. (21 years): Florida (30 years); Idaho (life); Maryland (30 years); Michigan (life); Montana (40 years); Nebraska (50 years); New Jersey (30 years); Rhode Island (30 years); Utah (life); Virginia (life).

⁷⁴ D.C. has a higher maximum penalty (15 years) for unarmed carjacking with force or threats and no injury (21 years) than 38 states: Alabama (10 years); Alaska (1 to 3 years); Arizona (2.5 years); Arkansas (20 years); California (9 years); Colorado (6 years); Connecticut (5 years); Delaware (5 years); Hawaii (10 years); Illinois (15 years); Indiana (6 years); Iowa (10 years); Kansas (34 months); Kentucky (10 years); Louisiana (20 years); Maine (10 years); Massachusetts (15 years); Minnesota (10 years); Mississippi (15 years); Missouri (15 years); Nevada (15 years maximum possible exposure); New Hampshire (7 years); New Mexico (3 years); New York (7 years); North Carolina (25 months exposure); North Dakota (5 years); Ohio (3 years maximum possible exposure); Oklahoma (10 years); Oregon (5 years); South Carolina (20 years); South Dakota (10 years); Tennessee (12 years); Texas (20 years); Vermont (10 years); Washington (10 years); West Virginia (18 years); Wisconsin (15 years); Wyoming (10 years).

⁷⁵ D.C. has a higher maximum penalty (21 years) for unarmed carjacking without injury than 11 states' highest maximum penalties for unarmed carjacking *with* injury: Alaska (7 to 11 years, serious bodily); Arizona (6 years, serious bodily injury); Connecticut (20 years, serious bodily injury); Hawaii (20 years, serious bodily injury); Kansas (61 months, bodily injury); Kentucky (20 years, bodily injury); Minnesota (20 years, bodily injury); North Dakota (10 years, bodily injury); Ohio (16.5 years maximum possible exposure, serious bodily injury); Oregon (20 years, serious bodily injury); Vermont (20 years, bodily injury).

In an additional four states, D.C.'s maximum penalty (21 years) for unarmed carjacking without injury is within five years of the highest maximum penalty for unarmed carjacking *with* injury: Delaware (25 years, bodily injury); Iowa (25 years, serious bodily injury); New York (25 years, serious bodily injury); Wyoming (25 years, serious bodily injury).

⁷⁶ D.C. Code § 22-2803(b)(1). D.C. case law has construed “armed with” to mean “actual physical possession” and “readily available”, at a minimum, as requiring constructive possession. *Clyburn v. United States*, 48 A.3d 147, 154 (D.C. 2012) (reversing sentencing enhancement under D.C. Code § 22-4502 when rifle was located in a different room from where defendant committed the underlying offense); cf. *Guishard v. United States*, 669 A.2d 1306, 1310 (D.C. 1995) (affirming sentencing enhancement under D.C. Code § 22-4502 when firearm was in a dresser drawer in the same room as the underlying offense).

⁷⁷ D.C. Code § 22-2803(b)(2).

⁷⁸ Pennsylvania was excluded from this part of the survey because its carjacking statute does not require any force or threats. Instead, it only requires theft of a motor vehicle.

⁷⁹ A few states have multiple gradations of armed carjacking, differentiating based on the use of the weapon, the type of weapon, and if any injury or death resulted. For these states, this survey used the highest armed carjacking gradation, even if it required, for example, use of the firearm or serious bodily injury. If a state did not have a specific armed carjacking offense or gradation, the statutory max for carjacking was used and the state was grouped with those that prohibit carjacking “while armed”.

Only nine states have a higher maximum penalty for armed carjacking than D.C. *and* are also limited to “armed with” like D.C.⁸⁰ Ten states have a higher maximum penalty than D.C., but also require some kind of use of the weapon, which D.C. does not.⁸¹

D.C. has a higher maximum penalty for armed carjacking than the remaining 30 states.⁸²

Carjacking in the Proposed Revised Criminal Code Act of 2022 (RCCA)

Unarmed Carjacking

Like a majority of states, the RCCA proposed grading carjacking, in part, based on injury. The highest gradation of carjacking in the RCCA, first degree carjacking, required serious bodily injury and had a maximum penalty of 18 years.

Forty-eight of the 50 states criminalize unarmed carjacking offense in a manner comparable to the unarmed carjacking offense in the former RCCA.⁸³ The RCCA’s 18-year maximum penalty for unarmed carjacking is consistent with national norms in these 48 states.

⁸⁰ Nine states have a higher maximum penalty for armed carjacking than D.C. (40 years) and are also limited to “armed with”: Alabama (life); Arkansas (life); Florida (life); Idaho (life); Michigan (life); Missouri (life); Nebraska (life); Utah (life); Washington (life).

⁸¹ Ten states have a higher maximum penalty for armed carjacking than D.C. (40 years), but they also require some kind of use of the weapon. D.C. does not: California (life); Illinois (life); Indiana (50 years); Montana (50 years); Oklahoma (life); Rhode Island (life); Texas (99 year); Virginia (life); West Virginia (life); Wisconsin (60 years).

⁸² D.C. has a higher penalty for armed carjacking (40 years) than 30 states.

Twenty of these 30 states specifically prohibit “armed with” a dangerous weapon, like D.C.: Alaska (7 to 11 years); Arizona (10.5 years); Colorado (32 years); Connecticut (20 years); Hawaii (20 years); Iowa (25 years); Kansas (61 months); Kentucky (20 years); Louisiana (20 years); Maine (30 years); Massachusetts (20 years); Minnesota (20 years); Mississippi (30 years); New Hampshire (20 years); New Jersey (30 years); New Mexico (14 years); New York (25 years); Oregon (20 years); South Carolina (20 years); Vermont (20 years).

Two of these 30 states require possession. Actual possession and constructive possession, when the weapon is “readily available”, satisfy D.C.’s current armed carjacking offense. Georgia (20 years); North Carolina (89 months exposure). Eight of these 30 states require some kind of use of the weapon, a higher threshold than D.C.’s current armed carjacking requirements. Delaware (25 years); Maryland (30 years); Nevada (30 years maximum possible exposure); North Dakota (20 years); Ohio (19.5 years maximum possible exposure); South Dakota (25 years); Tennessee (12 years); Wyoming (25 years).

⁸³ Georgia and Pennsylvania were excluded from this part of the survey because their unarmed carjacking offenses do not require any force or threats. Instead, they only require a lack of consent or theft of a motor vehicle.

The RCCA’s maximum proposed penalty for unarmed carjacking was higher than the maximum penalty for unarmed carjacking in 17 states.⁸⁴ It was within five years of the maximum penalty in six states.⁸⁵

Twenty-five states have a higher maximum penalty for unarmed carjacking than the RCCA’s proposed maximum penalty.⁸⁶ However, although beyond the scope of this analysis, these states may have parole—meaning a person may not serve their entire sentence. In contrast, D.C., does not have parole, and a person will serve at least 85% of their sentence.

Armed Carjacking

The RCCA proposed a separate carjacking offense and applied a weapon enhancement to each gradation of the offense. With the weapon enhancement, the highest gradation of armed carjacking in the RCCA required serious bodily injury, caused by the display or use of a dangerous weapon. The proposed maximum penalty was 24 years.

Forty-nine of the 50 states criminalize armed carjacking in a manner comparable to the unarmed carjacking offense in the current D.C. Code or former RCCA.⁸⁷ The RCCA’s 24-year maximum penalty for armed carjacking is consistent with national norms in these 49 states.⁸⁸

⁸⁴ The RCCA proposed maximum penalty for unarmed carjacking with serious bodily injury (18) years was higher than the highest maximum penalty for unarmed carjacking in 17 states: Alaska (7 to 11 years, serious bodily injury); Arizona (6 years, serious bodily injury); California (9 years, no injury requirement); Colorado (6 years, no injury requirement); Illinois (15 years, no injury requirement); Kansas (61 months, bodily injury); Massachusetts (15 years, no injury requirement); Mississippi (15 years, no injury requirement); Nevada (15 years maximum possible exposure, no injury requirement); New Hampshire (7 years, no injury requirement); New Mexico (3 years, no injury requirement); North Carolina (25 months exposure, no injury requirement); North Dakota (10 years, bodily injury); Ohio (16.5 years maximum possible exposure, serious bodily injury); South Dakota (10 years, no injury requirement); Tennessee (12 years, no injury requirement); Wisconsin (15 years, no injury requirement).

⁸⁵ The RCCA proposed maximum penalty for unarmed carjacking with serious bodily injury (18) years was within five years of the highest maximum penalty for unarmed carjacking in six states: Connecticut (20 years, serious bodily injury); Hawaii (20 years, serious bodily injury); Kentucky (20 years, bodily injury); Minnesota (20 years, bodily injury); Oregon (20 years, serious bodily injury); Vermont (20 years, bodily injury).

⁸⁶ Twenty-five of the 48 states included in this part of the survey have a higher maximum penalty for unarmed carjacking than the RCCA proposed maximum penalty for unarmed carjacking with serious bodily injury (18 years): Alabama (life, serious bodily injury); Arkansas (life, serious bodily injury); Delaware (25 years, bodily injury); Florida (30 years, no injury requirement); Idaho (life, no injury requirement); Indiana (30 years, serious bodily injury); Iowa (25 years, serious bodily injury); Louisiana (30 years, serious bodily injury); Maine (30 years, bodily injury); Maryland (30 years, no injury requirement); Michigan (life, no injury requirement); Missouri (life, serious bodily injury); Montana (40 years); Nebraska (50 years, no injury requirement); New Jersey (30 years, no injury requirement); New York (25 years, serious bodily injury); Oklahoma (life, serious bodily injury); Rhode Island (30 years, no injury requirement); South Carolina (30 years, serious bodily injury); Texas (99 years, serious bodily injury); Utah (life, no injury requirement); Virginia (life, no injury requirement); Washington (life, bodily injury); West Virginia (life, bodily injury); Wyoming (25 years, serious bodily injury).

⁸⁷ Pennsylvania was excluded from this part of the survey because its unarmed carjacking offense does not require any force or threats. Instead, it only requires theft of a motor vehicle.

⁸⁸ A few states have multiple gradations of armed carjacking, differentiating based on the use of the weapon, the type of weapon, and if any injury or death resulted. For these states, this survey used the highest armed carjacking gradation, even if it required, for example, use of the firearm or serious bodily injury. If a state did not have a specific armed carjacking offense or gradation, the statutory max for carjacking was used and the state was grouped with those that prohibit carjacking “while armed”.

The RCCA's maximum proposed penalty for armed carjacking was higher than the maximum penalty for armed robbery in seven states.⁸⁹ It was the same maximum penalty as in thirteen states⁹⁰ and within five years of the maximum penalty in five states.⁹¹

The remaining 24 states have a higher maximum penalty for armed carjacking than RCCA's proposed penalty.⁹² However, although beyond the scope of this analysis, these states may have parole—meaning a person may not serve their entire sentence. In contrast, D.C., does not have parole, and a person will serve at least 85% of their sentence.

⁸⁹ The RCCA proposed maximum penalty for armed carjacking with serious bodily injury (24 years) was higher than the maximum penalty for armed carjacking seven states: Alaska (7 to 11 years); Arizona (10.5 years); Kansas (61 months); New Mexico (14 years); North Carolina (89 months exposure); Ohio (19.5 years maximum possible exposure); Tennessee (12 years).

⁹⁰ The RCCA proposed maximum penalty for armed carjacking with serious bodily injury (24 years) was the same as the maximum penalty for armed carjacking in 13 states: Connecticut (20 years); Georgia (20 years); Hawaii (20 years); Kentucky (20 years); Louisiana (20 years); Massachusetts (20 years); Minnesota (20 years); New Hampshire (20 years); New Jersey (20 years); North Dakota (20 years); Oregon (20 years); South Carolina (20 years); Vermont (20 years).

⁹¹ The RCCA proposed maximum penalty for armed carjacking with serious bodily injury (24 years) was within 5 years of the maximum armed robbery penalty in five states: Delaware (25 years); Iowa (25 years); New York (25 years); South Dakota (25 years); Wyoming (25 years).

⁹² Twenty-four states have a higher maximum penalty for armed carjacking than the RCCA proposed maximum penalty for armed carjacking with serious bodily injury (24 years): Alabama (life); Arkansas (life); Colorado (32 years); California (life); Florida (life); Idaho (life); Illinois (life); Indiana (50 years); Maine (30 years); Maryland (30 years); Michigan (life); Mississippi (30 years); Missouri (life); Montana (50 years); Nebraska (50 years); Nevada (30 years maximum possible exposure); Oklahoma (life); Rhode island (life); Texas (99 years); Utah (life); Virginia (life); Washington (life); West Virginia (life); Wisconsin (60 years).

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SUMMARY TABLE

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Alabama	Highest Max: Life <i>(armed with deadly weapon)</i>	§§ 13A-8-41(a)(1); 13A-5-6(a)(1)	Highest Max: Life <i>(serious bodily injury)</i> Lowest Max: 10 years <i>(force/threat of force)</i>	§§ 13A-8-41(a)(2); 13A-5-6(a)(1) §§ 13A-8-43; 13A-5-6(a)(3)
Alaska	Highest Max: 7 to 11 years <i>((presumptive) possession of a firearm or use of a deadly weapon)</i>	§§ 11.41.500(a)(1); 12.55.125(c)(2)(A)	Highest Max: 7 to 11 years <i>((presumptive) serious bodily injury)</i> Lowest Max: 1 to 3 years <i>((presumptive) force/threat of force)</i>	§§ 11.41.500(a)(3); 12.55.125(c)(2)(A) §§ 11.41.510; 12.55.125(d)(1)
Arizona	Highest Max: 10.5 years <i>((presumptive) use/threatened use of deadly weapon)</i>	§§ 13-1902; 13-1904(A)(1); 13-105(13); 13-704(A)	Highest Max: 6 years <i>((presumptive) serious bodily injury)</i> Lowest Max: 2.5 years <i>((presumptive) force/threat of force)</i>	§§ 13-1902; 13-105(13); 13-704(A) §§ 13-1902; 13-702(D)
Arkansas	Highest Max: Life <i>(armed with deadly weapon)</i>	§§ 5-12-103(a)(1); 5-4-401(a)(1)	Highest Max: Life <i>(serious bodily injury)</i> Lowest Max: 20 years <i>(force/threat of force)</i>	§§ 5-12-103(a)(3); 5-4-401(a)(1) §§ 5-12-102; 5-4-401(a)(3)
California	Highest Max: 30 to Life <i>(discharge firearm with great bodily injury or death)</i>	§§ 212.5(c); 213(a)(2); 12022.53(a)(4), (d)	Highest Max: 5 years <i>(force/fear)</i> Lowest Max: 5 years <i>(force/fear)</i>	§§ 211; 212.5(c); 213(a)(2)
Colorado	Highest Max: 32 years <i>((presumptive) armed with deadly weapon)</i>	§§ 18-4-302(1)(a), (3); 18-1.3-401(1)(a)(V.5)(A), (10); 18-1.3-406(1) and (2)	Highest Max: 6 years <i>((presumptive) force/threats/intimidation)</i> Lowest Max: 6 years <i>((presumptive) force/threats/intimidation)</i>	§§ 18-4-301; 18-1.3-401(1)(a)(V.5)(A)
Connecticut	Highest Max: 20 years <i>(armed with deadly weapon)</i>	§§ 53a-134(a)(2), (b); 53a-35a(1)(A)(6)	Highest Max: 20 years <i>(serious bodily injury)</i> Lowest Max: 5 years <i>(force/threat of force)</i>	§§ 53a-134(a)(1), (b); 53a-35a(1)(A)(6) §§ 53a-133; 53a-136; 53a-35a(1)(A)(8)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Delaware	Highest Max: 25 years <i>(use/threaten deadly weapon)</i>	tit. 11, §§ 832(a)(3), (b)(1); 4205(b)(2)	Highest Max: 25 years <i>(bodily injury)</i> Lowest Max: 5 years <i>(force/threat of force)</i>	tit. 11, §§ 832(a)(1); 4205(b)(2) tit. 11, §§ 831(a), (b); 4205(b)(5)
Florida	Highest Max: Life <i>(carried deadly weapon)</i>	§§ 812.13(2)(a); 775.082(3)(b)(1)	Highest Max: 15 years <i>(force/fear)</i> Lowest Max: 15 years <i>(force/fear)</i>	§§ 812.13(c); 775.082
Georgia	Highest Max: Life <i>(use deadly weapon)</i>	§ 16-8-41(a), (b)	Highest Max: 20 years <i>(force/threats)</i> Lowest Max: 20 years <i>(force/threats)</i>	§ 16-8-40(a)(1), (a)(2), (b)
Hawaii	Highest Max: 20 years <i>(armed with dangerous instrument)</i>	§§ 708-840(1)(b), (3); 706-659	Highest Max: 20 years <i>(serious bodily injury)</i> Lowest Max: 10 years <i>(force/threat of force)</i>	§§ 708-840(1)(a), (3); 706-659 §§ 708-841(1)(a), (1)(b), (2); 706-660(1)
Idaho	Highest Max: Life	§§ 18-6501; 18-6503	Highest Max: Life <i>(force/fear)</i> Lowest Max: Life <i>(force/fear)</i>	§§ 18-6501; 18-6503
Illinois	Highest Max: 55 to Life <i>((basic sentence) discharge firearm with serious bodily injury/death)</i>	§§ 720-5/18-2(a)(4), (b); 730-5/5-4.5-25(a)	Highest Max: 7 years <i>((basic sentence) force/threat of force)</i> Lowest Max: 7 years <i>((basic sentence) force/threat of force)</i>	§§ 720-5/18-1(a), (c); 730-5-4.5-35(a)
Indiana	Highest Max: 35 to 50 years <i>(firearm with serious bodily injury)</i>	§§ 35-42-5-1(a); 35-50-2-4.5; 35-50-2-11(b)(1), (d), (g)	Highest Max: 30 years <i>(serious bodily injury)</i> Lowest Max: 6 years <i>(force/fear)</i>	§§ 35-42-5-1(a); 35-50-2-4.5 §§ 35-42-5-1(a); 35-50-2-6
Iowa	Highest Max: 25 years <i>(armed with deadly weapon)</i>	§§ 711.1; 711.2; 902.9(1)(b)	Highest Max: 25 years <i>(serious bodily injury)</i> Lowest Max: 10 years <i>(threat of force)</i>	§§ 711.1; 711.2; 902.9(1)(b) §§ 711.1(a); 711.3; 08.1(1), (2)(b); 902.9(1)(d)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Kansas	Highest Max: 61 months <i>((highest standard sentence) armed with dangerous weapon)</i>	§§ 21-5420(b)(1), (c)(2); 21-6804(a)	Highest Max: 61 months <i>((highest standard sentence) bodily injury)</i> Lowest Max: 34 months <i>((highest standard sentence) force/threat of force)</i>	§§ 21-5420(b)(2), (c)(2); 21-6804(a) §§ 21-5420(a), (c)(1); 21-6804(a)
Kentucky	Highest Max: 20 years <i>(armed with deadly weapon)</i>	§§ 515.020(1)(b), (2); 532.060(2)(b)	Highest Max: 20 years <i>(bodily injury)</i> Lowest Max: 10 years <i>(force/threat of force)</i>	§§ 515.020(1)(a), (2); 532.060(2)(b) §§ 515.030; 532.060(2)(c)
Louisiana	Highest Max: 104 years <i>(armed with firearm)</i>	§§ 14:64; 14:64.3	Highest Max: 40 years <i>(serious bodily injury)</i> Lowest Max: 7 years <i>(force/intimidation)</i>	§ 14:64.4(A)(1), (B)(1) § 14:65(A)(1), (B)
Maine	Highest Max: 30 years <i>(armed with dangerous weapon)</i>	tit. 17-A, §§ 651(1)(E); 1604(1)(A)	Highest Max: 30 years <i>(force)</i> Lowest Max: 10 years <i>(threat of force)</i>	tit. 17-A, §§ 651(1)(C); 1604(1)(A) tit. 17-A, §§ 651(1)(B); 1604(1)(B)
Maryland	Highest Max: 20 years <i>(with a dangerous weapon)</i>	§ 3-403(a)(1), (b)	Highest Max: 15 years <i>(force/fear)</i> Lowest Max: 15 years <i>(force/fear)</i>	§ 3-402; <i>Fetrow v. State</i> , 156 Md. App. 675, 686–87, (2004)
Massachusetts	Highest Max: Life <i>(armed with dangerous weapon)</i>	ch. 265, § 17	Highest Max: Life <i>(force/fear)</i> Lowest Max: Life <i>(force/fear)</i>	ch. 265, § 19(b)
Michigan	Highest Max: Life <i>(possess dangerous weapon)</i>	§ 750.529(1)(a), (2)	Highest Max: 15 years <i>(force or fear)</i> Lowest Max: 15 years <i>(force or fear)</i>	§ 750.530
Minnesota	Highest Max: 20 years <i>(armed with dangerous weapon)</i>	§ 609.245(1)	Highest Max: 20 years <i>(bodily injury)</i> Lowest Max: 10 years <i>(force/threat of force)</i>	§ 609.245(1) § 609.24

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Mississippi	Highest Max: Life <i>(display deadly weapon)</i>	§§ 97-3-73; 97-3-79	Highest Max: 15 years <i>(force/threat of injury)</i> Lowest Max: 15 years <i>(force/threat of injury)</i>	§§ 97-3-73; 97-3-75
Missouri	Highest Max: Life <i>(armed with deadly weapon)</i>	§§ 570.027(1)(2), (2); 558.011(1)(1)	Highest Max: Life <i>(serious bodily injury)</i> Lowest Max: 15 years <i>(bodily injury)</i>	§§ 570.027(1)(1), (2); 558.011(1)(1) §§ 570.025; 558.011(1)(2)
Montana	Highest Max: 50 years <i>(display, brandish, or use deadly weapon)</i>	§§ 45-5-401(1), (2); 46-18-221(1), (3), (4)	Highest Max: 40 years <i>(threaten/inflict bodily injury)</i> Lowest Max: 40 years <i>(threaten/inflict bodily injury)</i>	§ 45-5-401(1)(a), (2)
Nebraska	Highest Max: 50 years	§§ 28-324; 28-105(1)	Highest Max: 50 years <i>(force/fear)</i> Lowest Max: 50 years <i>(force/fear)</i>	§§ 28-324; 28-105(1)
Nevada	Highest Max: 30 years maximum exposure <i>(use dangerous weapon)</i>	§§ 200.380; 193.165(1), (2)	Highest Max: 15 years maximum possible exposure <i>(force/fear of injury)</i> Lowest Max: 15 years maximum exposure <i>(force/fear of injury)</i>	§ 200.380
New Hampshire	Highest Max: 20 years <i>(armed with firearm)</i>	§§ 636:1(I), (III)(a); 651:2(II-g)	Highest Max: 7 years <i>(force or threat of force)</i> Lowest Max: 7 years <i>(force or threat of force)</i>	§§ 636:1; 651:2(II)(b)
New Jersey	Highest Max: 20 years <i>((ordinary term) armed with deadly weapon)</i>	§§ 2C:15-1; 2C:43-6(a)(1)	Highest Max: 20 years <i>((ordinary term) serious bodily injury)</i> Lowest Max: 10 years <i>((ordinary term) force/threaten or inflict bodily injury)</i>	§§ 2C:15-1; 2C:43-6(a)(1) §§ 2C:15-1(a)(1), (b); 2C:43-6(a)(2)
New Mexico	Highest Max: 14 years <i>((basic sentence) discharge firearm)</i>	§§ 30-16-2; 31-18-15(A); 31-18-16(C), (G)(3)	Highest Max: 3 years <i>((basic sentence) force/threat of force)</i> Lowest Max: 3 years <i>((basic sentence) force/threat of force)</i>	§§ 30-16-2; 31-18-15(A)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
New York	Highest Max: 25 years <i>(armed with deadly weapon)</i>	§§ 160.15(2); 70.02(1)(a), (2)(a), (3)(a)	Highest Max: 25 years <i>(serious bodily injury)</i> Lowest Max: 7 years <i>(force/threat of force)</i>	§§ 160.15(1); 70.02(1)(a), (2)(a), (3)(a) §§ 160.05; 160.00
North Carolina	Highest Max: 89 months exposure <i>((presumptive) possess, use, threaten to use dangerous weapon)</i>	§§ 14-87; 15A-1340.17(c), (e)	Highest Max: 25 months exposure <i>((presumptive) force or fear)</i> Lowest Max: 25 months exposure <i>((presumptive) force or fear)</i>	§§ 14-87.1; 15A-1340.17(c), (d)
North Dakota	Highest Max: 20 years <i>((basic sentence) use dangerous weapon)</i>	§§ 12.1-22-01(1), (2); 12.1-32-01(2)	Highest Max: 10 years <i>((basic sentence) bodily injury)</i> Lowest Max: 5 years <i>((basic sentence) threat of bodily injury)</i>	§§ 12.1-22-01(1), (2); 12.1-32-01(3) §§ 12.1-22-01(1), (2); 12.1-32-01(4)
Ohio	Highest Max: 19.5 years maximum exposure <i>(display or use firearm)</i>	§§ 2911.01(A)(1), (C); 2929.14(A)(1)(a), (B)(1)(a)(ii), (B)(1)(b), (C)(1)(a); 2929.144(A), (B)(1), (C)	Highest Max: 16.5 years maximum exposure <i>(serious bodily injury)</i> Lowest Max: 3 years maximum exposure <i>(force or threat of force)</i>	§§ 2911.01(A)(3), (C); 2929.14(A)(1)(a); 2929.144(A), (B)(1), (C) §§ 2911.02(A)(3), (B); 2929.14(A)(3)(b)
Oklahoma	Highest Max: Life <i>(use dangerous weapon)</i>	tit. 21, § 801	Highest Max: Life <i>(serious bodily injury)</i> Lowest Max: 10 years <i>(force/fear)</i>	tit. 21, §§ 797(1); 798; 62.1 tit. 21, §§ 797; 792; 799
Oregon	Highest Max: 20 years <i>(armed with deadly weapon)</i>	§§ 164.415(1)(a), (2); 161.605(1)	Highest Max: 20 years <i>(serious bodily injury)</i> Lowest Max: 5 years <i>(force or threat of force)</i>	§§ 164.415(1)(c), (2); 161.605(1) §§ 164.395; 161.605(3)
Pennsylvania	Highest Max: 20 years	18 - §§ 3701; 1103(1)	Highest Max: 20 years <i>(serious bodily injury)</i> Lowest Max: 7 years <i>(force)</i>	18 - §§ 3701(a)(1)(i), (b)(1); 1103(1) 18 - §§ 3701(a)(1)(v), (b)(1); 1103(3)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Rhode Island	Highest Max: Life (<i>use dangerous weapon</i>)	§ 11-39-1(a)(1)	Highest Max: Life (<i>injury</i>) Lowest Max: 30 years (<i>force/threats</i>)	§ 11-39-1(a)(2) § 11-39-1(b)
South Carolina	Highest Max: 30 years (<i>armed with deadly weapon</i>)	§ 16-11-330(A)	Highest Max: 15 years (<i>force/fear</i>) Lowest Max: 15 years (<i>force/fear</i>)	§ 16-11-325; <i>State v. Parker</i> , 351 S.C. 567, 570 (2002)
South Dakota	Highest Max: 25 years (<i>use dangerous weapon</i>)	§§ 22-30-1; 22-30-6; 22-30-7; 22-6-1(5)	Highest Max: 10 years (<i>force or threat of force</i>) Lowest Max: 10 years (<i>force or threat of force</i>)	§§ 22-30-1; 22-30-6; 22-30-7; 22-6-1(7)
Tennessee	Highest Max: 25 years (<i>with deadly weapon and serious bodily injury</i>)	§§ 39-13-403; 40-35-105(a), (b); 40-35-112(a)(1); 40-35-210(c)	Highest Max: 12 years (<i>serious bodily injury</i>) Lowest Max: 6 years (<i>force/fear</i>)	§§ 39-13-402(a)(2), (b); 40-35-105(a), (b); 40-35-112(a)(2); 40-35-210(c) §§ 39-13-401; 40-35-105(a), (b); 40-35-112(a)(3); 40-35-210(c)
Texas	Highest Max: 99 years (<i>display or use deadly weapon</i>)	§§ 29.03(a)(2), (b); 12.32	Highest Max: 99 years (<i>serious bodily injury</i>) Lowest Max: 20 years (<i>threaten/inflict bodily injury</i>)	§§ 29.03(a)(1), (b); 12.32 §§ 29.02; 12.33
Utah	Highest Max: Life (<i>use or threaten dangerous weapon</i>)	§§ 76-6-302(2)(a), (3); 76-3-203(1)	Highest Max: Life (<i>serious bodily injury</i>) Lowest Max: 15 years (<i>force/fear</i>)	§§ 76-6-302(2)(b), (3); 76-3-203(1) § 76-6-301(2)(a); 76-3-203(2)
Vermont	Highest Max: 20 years (<i>serious bodily injury</i>)	tit. 13, § 608(c)	Highest Max: 20 years (<i>bodily injury</i>) Lowest Max: 10 years (<i>fear of serious bodily injury</i>)	tit. 13, § 608(c) tit. 13, §§ 608(a); 1023(a)(3)
Virginia	Highest Max: 20 years (<i>use or display firearm</i>)	§§ 18.2-58(B)(2); 18.2-10(c)	Highest Max: Life (<i>serious bodily injury</i>) Lowest Max: 5 years (<i>threats/intimidation</i>)	§§ 18.2-58(B)(1); 18.2-10(b) §§ 18.2-58(B)(4); 18.2-10(f)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Washington	Highest Max: Life <i>(armed with deadly weapon)</i>	§§ 9A.56.200(1)(a)(i); 9A.20.021(1)(a)	Highest Max: Life <i>(bodily injury)</i> Lowest Max: 10 years <i>(force/threat of injury)</i>	§§ 9A.56.200(1)(a)(iii); 9A.20.021(1)(a) §§ 9A.56.190; 9A.56.210; 9A.20.021(1)(b)
West Virginia	Highest Max: Life <i>(threaten deadly force with deadly weapon)</i>	§ 61-2-12(a)(2)	Highest Max: Life <i>(strangulation, suffocation, or bodily injury)</i> Lowest Max: 18 years <i>(fear of bodily injury)</i>	§ 61-2-12(a)(1) § 61-2-12(b)
Wisconsin	Highest Max: 40 years <i>(use/threaten use dangerous weapon)</i>	§§ 943.32(2); 939.50(3)(c)	Highest Max: 15 years <i>(force/threat of force)</i> Lowest Max: 15 years <i>(force/threat of force)</i>	§§ 943.32(1); 939.50(3)(e)
Wyoming	Highest Max: 25 years <i>(use/display deadly weapon)</i>	§ 6-2-401(c)(ii)	Highest Max: 25 years <i>(serious bodily injury)</i> Lowest Max: 10 years <i>(threaten/inflict bodily injury)</i>	§ 6-2-401(c)(i) § 6-2-401(a), (b)

ALABAMA

Ala. Code § 13A-8-41

(a) A person commits the crime of robbery in the first degree if he violates Section 13A-8-43 and he:

- (1) Is armed with a deadly weapon or dangerous instrument; or
- (2) Causes serious physical injury to another.

(b) Possession then and there of an article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or dangerous instrument, or any verbal or other representation by the defendant that he is then and there so armed, is prima facie evidence under subsection (a) of this section that he was so armed.

(c) Robbery in the first degree is a Class A felony.

Ala. Code § 13A-8-42

(a) A person commits the crime of robbery in the second degree if he violates Section 13A-8-43 and he is aided by another person actually present.

(b) Robbery in the second degree is a Class B felony.

Ala. Code § 13A-8-43

(a) A person commits the crime of robbery in the third degree if in the course of committing a theft he:

- (1) Uses force against the person of the owner or any person present with intent to overcome his physical resistance or physical power of resistance; or
- (2) Threatens the imminent use of force against the person of the owner or any person present with intent to compel acquiescence to the taking of or escaping with the property.

(b) Robbery in the third degree is a Class C felony.

Ala. Code § 13A-5-6

(a) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:

- (1) For a Class A felony, for life or not more than 99 years or less than 10 years.
- (2) For a Class B felony, not more than 20 years or less than 2 years.
- (3) For a Class C felony, not more than 10 years or less than 1 year and 1 day and must be in accordance with subsection (b) of Section 15-18-8 unless sentencing is pursuant to Section 13A-5-9 or the offense is a sex offense pursuant to Section 15-20A-5.
- (4) For a Class D felony, not more than 5 years or less than 1 year and 1 day and must be in accordance with subsection (b) of Section 15-18-8.
- (5) For a Class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class A felony sex offense involving a child as defined in Section 15-20A-4, not less than 20 years.
- (6) For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class B felony sex offense involving a child as defined in Section 15-20A-4, not less than 10 years.

- (b) The actual time of release within the limitations established by subsection (a) shall be determined under procedures established elsewhere by law.
- (c) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is designated as a sexually violent predator pursuant to Section 15-20A-19, or where an offender is convicted of a Class A felony sex offense involving a child as defined in Section 15-20A-4, and is sentenced to a county jail or the Alabama Department of Corrections, the sentencing judge shall impose an additional penalty of not less than 10 years of post-release supervision to be served upon the defendant's release from incarceration.
- (d) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is convicted of a sex offense pursuant to Section 13A-6-61, 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of age or older and the victim was six years of age or less at the time the offense was committed, the defendant shall be sentenced to life imprisonment without the possibility of parole.

ALASKA

Alaska Stat. Ann. § 11.41.500

- (a) A person commits the crime of robbery in the first degree if the person violates AS 11.41.510 and, in the course of violating that section or in immediate flight thereafter, that person or another participant
- (1) is armed with a deadly weapon or represents by words or other conduct that either that person or another participant is so armed;
 - (2) uses or attempts to use a dangerous instrument or a defensive weapon or represents by words or other conduct that either that person or another participant is armed with a dangerous instrument or a defensive weapon; or
 - (3) causes or attempts to cause serious physical injury to any person.
- (b) Robbery in the first degree is a class A felony.

Alaska Stat. Ann. § 11.41.510

- (a) A person commits the crime of robbery in the second degree if, in the course of taking or attempting to take property from the immediate presence and control of another, the person uses or threatens the immediate use of force upon any person with intent to
- (1) prevent or overcome resistance to the taking of the property or the retention of the property after taking; or
 - (2) compel any person to deliver the property or engage in other conduct which might aid in the taking of the property.
- (b) Robbery in the second degree is a class B felony.

Alaska Stat. Ann. § 12.55.125

- (a) A defendant convicted of murder in the first degree or murder of an unborn child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment of at least 30 years but not more than 99 years. A defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when
- (1) the defendant is convicted of the murder of a uniformed or otherwise clearly identified peace officer, firefighter, or correctional employee who was engaged in the performance of official duties at the time of the murder;
 - (2) the defendant has been previously convicted of
 - (A) murder in the first degree under AS 11.41.100 or former AS 11.15.010 or 11.15.020;
 - (B) murder in the second degree under AS 11.41.110 or former AS 11.15.030; or
 - (C) homicide under the laws of another jurisdiction when the offense of which the defendant was convicted contains elements similar to first degree murder under AS 11.41.100 or second degree murder under AS 11.41.110;
 - (3) the defendant subjected the murder victim to substantial physical torture;
 - (4) the defendant is convicted of the murder of and personally caused the death of a person, other than a participant, during a robbery; or
 - (5) the defendant is a peace officer who used the officer's authority as a peace officer to facilitate the murder.

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2)--(4) shall be sentenced to a definite term of imprisonment of at least 15 years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years when the defendant is convicted of the murder of a child under 16 years of age and the court finds by clear and convincing evidence that the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under AS 11.41.200--11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470.

(c) Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, four to seven years;

(2) if the offense is a first felony conviction

(A) and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, seven to 11 years;

(B) and the conviction is for manufacturing related to methamphetamine under AS 11.71.021(a)(2)(A) or (B), seven to 11 years if

(i) the manufacturing occurred in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of manufacturing or in preparation for manufacturing, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(3) if the offense is a second felony conviction, 10 to 14 years;

(4) if the offense is a third felony conviction and the defendant is not subject to sentencing under (l) of this section, 15 to 20 years.

(d) Except as provided in (i) of this section, a defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10 years, and shall

be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

- (1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, one to three years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of probation under AS 12.55.086, the defendant is required to serve an active term of imprisonment within the range specified in this paragraph, unless the court finds that a mitigation factor under AS 12.55.155 applies;
 - (2) if the offense is a first felony conviction,
 - (A) the defendant violated AS 11.41.130, and the victim was a child under 16 years of age, two to four years;
 - (B) two to four years if the conviction is for attempt, solicitation, or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and
 - (i) the attempted manufacturing occurred, or the solicited or conspired offense was to have occurred, in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or
 - (ii) in the course of an attempt to manufacture, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;
 - (3) if the offense is a second felony conviction, three to seven years;
 - (4) if the offense is a third felony conviction, six to 10 years.
- (e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:
- (1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, zero to two years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085, and the court may, as a condition of probation under AS 12.55.086, require the defendant to serve an active term of imprisonment within the range specified in this paragraph;
 - (2) if the offense is a second felony conviction, two to four years;
 - (3) if the offense is a third felony conviction, three to five years;
 - (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one to two years.
- (f) If a defendant is sentenced under (a) or (b) of this section,
- (1) imprisonment for the prescribed minimum or mandatory term may not be suspended under AS 12.55.080;
 - (2) imposition of sentence may not be suspended under AS 12.55.085;
 - (3) imprisonment for the prescribed minimum or mandatory term may not be reduced, except as provided in (j) of this section.

(g) If a defendant is sentenced under (c), (d), (e), or (i) of this section, except to the extent permitted under AS 12.55.155--12.55.175,

(1) imprisonment may not be suspended under AS 12.55.080 below the low end of the presumptive range;

(2) and except as provided in (d)(1) or (e)(1) of this section, imposition of sentence may not be suspended under AS 12.55.085;

(3) terms of imprisonment may not be otherwise reduced.

(h) Nothing in this section or AS 12.55.135 limits the discretion of the sentencing judge except as specifically provided. Nothing in (a) of this section limits the court's discretion to impose a sentence of 99 years imprisonment, or to limit parole eligibility, for a person convicted of murder in the first or second degree in circumstances other than those enumerated in (a).

(i) A defendant convicted of

(1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex trafficking in the first degree under AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 30 to 40 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 35 to 45 years;

(E) if the offense is a third felony conviction and the defendant is not subject to sentencing under (F) of this paragraph or (l) of this section, 40 to 60 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (l) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(2) sexual assault in the first degree under AS 11.41.410(a)(1)(B), unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

- (i) under 13 years of age, 20 to 30 years;
- (ii) 13 years of age or older, 15 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), distribution of child pornography under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

(A) if the offense is a first felony conviction, five to 15 years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 years;

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years;

(4) sexual assault in the third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2), possession of child pornography, distribution of child pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, or distribution of child pornography, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

(A) if the offense is a first felony conviction and does not involve the circumstances described in (B) or (C) of this paragraph, two to 12 years;

- (B) if the offense is a first felony conviction under AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this paragraph, four to 12 years;
 - (C) if the offense is a first felony conviction under AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of child pornography, or received a financial benefit or had a financial interest in a child pornography sharing or distribution mechanism, six to 14 years;
 - (D) if the offense is a second felony conviction and does not involve circumstances described in (E) of this paragraph, eight to 15 years;
 - (E) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;
 - (F) if the offense is a third felony conviction and does not involve circumstances described in (G) of this paragraph, 15 to 25 years;
 - (G) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.
- (j) A defendant sentenced to a (1) mandatory term of imprisonment of 99 years under (a) of this section may apply once for a modification or reduction of sentence under the Alaska Rules of Criminal Procedure after serving one-half of the mandatory term without consideration of good time earned under AS 33.20.010, or (2) definite term of imprisonment under (l) of this section may apply once for a modification or reduction of sentence under the Alaska Rules of Criminal Procedure after serving one-half of the definite term. A defendant may not file and a court may not entertain more than one motion for modification or reduction of a sentence subject to this subsection, regardless of whether or not the court granted or denied a previous motion.
- (k) Repealed by SLA 2005, ch. 2, § 32, eff. Mar. 23, 2005.
- (l) Notwithstanding any other provision of law, a defendant convicted of an unclassified or class A felony offense, and not subject to a mandatory 99-year sentence under (a) of this section, shall be sentenced to a definite term of imprisonment of 99 years when the defendant has been previously convicted of two or more most serious felonies. If a defendant is sentenced to a definite term under this subsection,
- (1) imprisonment for the prescribed definite term may not be suspended under AS 12.55.080;
 - (2) imposition of sentence may not be suspended under AS 12.55.085;
 - (3) imprisonment for the prescribed definite term may not be reduced, except as provided in (j) of this section.
- (m) Notwithstanding (a)(4) and (f) of this section, if a court finds that imposition of a mandatory term of imprisonment of 99 years on a defendant subject to sentencing under (a)(4) of this section would be manifestly unjust, the court may sentence the defendant to a definite term of imprisonment otherwise permissible under (a) of this section.
- (n) In imposing a sentence within a presumptive range under (c), (d), (e), or (i) of this section, the total term, made up of the active term of imprisonment plus any suspended term of imprisonment, must fall within the presumptive range, and the active term of imprisonment may not fall below the lower end of the presumptive range.
- (o) Repealed by SLA 2016, ch. 36, § 179, eff. July 12, 2016.

(p) If the state seeks either (1) the imposition of a sentence under (a) of this section that would preclude the defendant from being awarded a good time deduction under AS 33.20.010(a) based on a fact other than a prior conviction; or (2) to establish a fact that would increase the presumptive sentencing range under (c)(2), (d)(2), (e)(4), (i)(1)(A) or (B), or (i)(2)(A) or (B) of this section, the factual question required to be decided shall be presented to a trial jury and proven beyond a reasonable doubt under procedures set by the court, unless the defendant waives trial by jury and either stipulates to the existence of the fact or consents to have the fact proven to the court sitting without a jury. Written notice of the intent to establish a fact under this subsection must be served on the defendant and filed with the court as provided for notice under AS 12.55.155(f)(2).

(q) Other than for convictions subject to a mandatory 99-year sentence, the court shall impose, in addition to an active term of imprisonment imposed under (i) of this section, a minimum period of (1) suspended imprisonment of five years and a minimum period of probation supervision of 15 years for conviction of an unclassified felony, (2) suspended imprisonment of three years and a minimum period of probation supervision of 10 years for conviction of a class A or class B felony, or (3) suspended imprisonment of two years and a minimum period of probation supervision of five years for conviction of a class C felony. The period of probation is in addition to any sentence received under (i) of this section and may not be suspended or reduced. Upon a defendant's release from confinement in a correctional facility, the defendant is subject to the probation requirement under this subsection and shall submit and comply with the terms and requirements of the probation.

ARIZONA

Ariz. Rev. Stat. Ann. § 13-1902

A. A person commits robbery if in the course of taking any property of another from his person or immediate presence and against his will, such person threatens or uses force against any person with intent either to coerce surrender of property or to prevent resistance to such person taking or retaining property.

B. Robbery is a class 4 felony.

Ariz. Rev. Stat. Ann. § 13-1903

A. A person commits aggravated robbery if in the course of committing robbery as defined in § 13-1902, such person is aided by one or more accomplices actually present.

B. Aggravated robbery is a class 3 felony.

Ariz. Rev. Stat. Ann. § 13-1904

A. A person commits armed robbery if, in the course of committing robbery as proscribed in § 13-1902, the person or an accomplice does any of the following:

1. Is armed with a deadly weapon or a simulated deadly weapon.
2. Uses or threatens to use a deadly weapon or dangerous instrument or a simulated deadly weapon.
3. Takes possession of or attempts to take possession of a deadly weapon.

B. Armed robbery is a class 2 felony.

Ariz. Rev. Stat. Ann. § 13-105

13. “Dangerous offense” means an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person.

Ariz. Rev. Stat. Ann. § 13-702

A. Unless a specific sentence is otherwise provided, the term of imprisonment for a first felony offense shall be the presumptive sentence determined pursuant to subsection D of this section. Except for those felonies involving a dangerous offense or if a specific sentence is otherwise provided, the court may increase or reduce the presumptive sentence within the ranges set by subsection D of this section. Any reduction or increase shall be based on the aggravating and mitigating circumstances listed in § 13-701, subsections D and E and shall be within the ranges prescribed in subsection D of this section.

B. If a person is convicted of a felony without having previously been convicted of any felony and if at least two of the aggravating factors listed in § 13-701, subsection D apply, the court may increase the maximum term of imprisonment otherwise authorized for that offense to an aggravated term. If a person is convicted of a felony without having previously been convicted of any felony and if the court finds at least two mitigating factors listed in § 13-701, subsection E apply, the court may decrease the minimum term of imprisonment otherwise authorized for that offense to a mitigated term.

C. The aggravated or mitigated term imposed pursuant to subsection D of this section may be imposed only if at least two of the aggravating circumstances are found beyond a reasonable doubt to be true by the trier of fact or are admitted by the defendant, except

that an aggravating circumstance under § 13-701, subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.

D. The term of imprisonment for a presumptive, minimum, maximum, mitigated or aggravated sentence shall be within the range prescribed under this subsection. The terms are as follows:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
Class 6	.33 years	.5 years	1 year	1.5 years	2 years

E. The court shall inform all of the parties before sentencing occurs of its intent to increase or decrease a sentence to the aggravated or mitigated sentence pursuant this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

F. For the purposes of this section, “trier of fact” means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

Ariz. Rev. Stat. Ann. § 13-704

A. Except as provided in § 13-705, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a felony that is a dangerous offense shall be sentenced to a term of imprisonment as follows:

Felony	Minimum	Presumptive	Maximum
Class 2	7 years	10.5 years	21 years
Class 3	5 years	7.5 years	15 years
Class 4	4 years	6 years	8 years
Class 5	2 years	3 years	4 years
Class 6	1.5 years	2.25 years	3 years

B. Except as provided in § 13-705, a person who is convicted of a class 4, 5 or 6 felony that is a dangerous offense and who has one historical prior felony conviction involving a dangerous offense shall be sentenced to a term of imprisonment as follows:

Felony	Minimum	Presumptive	Maximum
Class 4	8 years	10 years	12 years
Class 5	4 years	5 years	6 years
Class 6	3 years	3.75 years	4.5 years

C. Except as provided in § 13-705 or § 13-706, subsection A, a person who is convicted of a class 4, 5 or 6 felony that is a dangerous offense and who has two or more historical prior felony convictions involving dangerous offenses shall be sentenced to a term of imprisonment as follows:

Felony	Minimum	Presumptive	Maximum
Class 4	12 years	14 years	16 years
Class 5	6 years	7 years	8 years
Class 6	4.5 years	5.25 years	6 years

D. Except as provided in § 13-705 or § 13-706, subsection A, a person who is convicted of a class 2 or 3 felony involving a dangerous offense and who has one historical prior felony conviction that is a class 1, 2 or 3 felony involving a dangerous offense shall be sentenced to a term of imprisonment as follows:

Felony	Minimum	Presumptive	Maximum
Class 2	14 years	15.75 years	28 years
Class 3	10 years	11.25 years	20 years

E. Except as provided in § 13-705 or § 13-706, subsection A, a person who is convicted of a class 2 or 3 felony involving a dangerous offense and who has two or more historical prior felony convictions that are class 1, 2 or 3 felonies involving dangerous offenses shall be sentenced to a term of imprisonment as follows:

Felony	Minimum	Presumptive	Maximum
Class 2	21 years	28 years	35 years
Class 3	15 years	20 years	25 years

F. A person who is convicted of two or more felony offenses that are dangerous offenses and that were not committed on the same occasion but that are consolidated for trial purposes or that are not historical prior felony convictions shall be sentenced, for the second or subsequent offense, pursuant to this subsection. For a person sentenced pursuant to this subsection, the minimum term prescribed shall be the presumptive term. If the court increases or decreases a sentence pursuant to this subsection, the court shall state on the record the reasons for the increase or decrease. The court shall inform all of the parties before the sentencing occurs of its intent to increase or decrease a sentence pursuant to this subsection. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing. The terms are as follows:

1. For the second dangerous offense:

Felony	Minimum	Maximum	Increased Maximum
Class 2	10.5 years	21 years	26.25 years
Class 3	7.5 years	15 years	18.75 years
Class 4	6 years	8 years	10 years
Class 5	3 years	4 years	5 years
Class 6	2.25 years	3 years	3.75 years

2. For any dangerous offense subsequent to the second dangerous felony offense:

Felony	Minimum	Maximum	Increased Maximum
Class 2	15.75 years	28 years	35 years
Class 3	11.25 years	20 years	25 years
Class 4	10 years	12 years	15 years

Class 5	5 years	6 years	7.5 years
Class 6	3.75 years	4.5 years	5.6 years

G. A person who is sentenced pursuant to subsection A, B, C, D, E or F of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, except as specifically authorized by § 31-233, subsection A or B, until the sentence imposed by the court has been served, the person is eligible for release pursuant to § 41-1604.07 or the sentence is commuted.

H. The presumptive term authorized by this section may be mitigated or aggravated pursuant to the terms of § 13-701, subsections C, D and E.

I. For the purposes of determining the applicability of the penalties provided in subsection A, D or E of this section for second or subsequent class 2 or 3 felonies, the conviction for any felony committed before October 1, 1978 that, if committed after October 1, 1978, could be a dangerous offense under subsection A, D or E of this section may be designated by the state as a prior felony.

J. Convictions for two or more offenses committed on the same occasion shall be counted as only one conviction for the purposes of subsection A, B, C, D or E of this section.

K. A person who has been convicted in any court outside the jurisdiction of this state of an offense that was punishable by that jurisdiction as a felony is subject to subsection A, B, C, D or E of this section. A person who has been convicted of an offense punishable as a felony under the provisions of any prior code in this state or the jurisdiction in which the offense was committed is subject to subsection A, B, C, D or E of this section. A person who has been convicted of a felony weapons possession violation in any court outside the jurisdiction of this state that would not be punishable as a felony under the laws of this state is not subject to this section.

L. The penalties prescribed by this section shall be substituted for the penalties otherwise authorized by law if an allegation of prior conviction is charged in the indictment or information and admitted or found by the court or if an allegation of dangerous offense is charged in the indictment or information and admitted or found by the trier of fact. The release provisions prescribed by this section shall not be substituted for any penalties required by the substantive offense or provision of law that specifies a later release or completion of the sentence imposed before release. The court shall allow the allegation of a prior conviction or the allegation of a dangerous offense at any time before the date the case is actually tried unless the allegation is filed fewer than twenty days before the case is actually tried and the court finds on the record that the defendant was in fact prejudiced by the untimely filing and states the reasons for these findings. If the allegation of a prior conviction is filed, the state must make available to the defendant a copy of any material or information obtained concerning the prior conviction. The charge of prior conviction shall not be read to the jury. For the purposes of this subsection, “substantive offense” means the felony that the trier of fact found beyond a reasonable doubt the defendant committed. Substantive offense does not include allegations that, if proven, would enhance the sentence of imprisonment or fine to which the defendant otherwise would be subject.

M. Except as provided in § 13-705 or 13-751, if the victim is an unborn child in the womb at any stage of its development, the defendant shall be sentenced pursuant to this section.

ARKANSAS

Ark. Code Ann. § 5-12-102

- (a) A person commits robbery if, with the purpose of committing a felony or misdemeanor theft or resisting apprehension immediately after committing a felony or misdemeanor theft, the person employs or threatens to immediately employ physical force upon another person.
- (b) Robbery is a Class B felony.

Ark. Code Ann. § 5-12-103

- (a) A person commits aggravated robbery if he or she commits robbery as defined in § 5-12-102, and the person:
 - (1) Is armed with a deadly weapon;
 - (2) Represents by word or conduct that he or she is armed with a deadly weapon;
 - or
 - (3) Inflicts or attempts to inflict death or serious physical injury upon another person.
- (b) Aggravated robbery is a Class Y felony.

Ark. Code Ann. § 5-4-401

- (a) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:
 - (1) For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;
 - (2) For a Class A felony, the sentence shall be not less than six (6) years nor more than thirty (30) years;
 - (3) For a Class B felony, the sentence shall be not less than five (5) years nor more than twenty (20) years;
 - (4) For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;
 - (5) For a Class D felony, the sentence shall not exceed six (6) years; and
 - (6) For an unclassified felony, the sentence shall be in accordance with a limitation of the statute defining the felony.
- (b) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:
 - (1) For a Class A misdemeanor, the sentence shall not exceed one (1) year;
 - (2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days;
 - (3) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days; and
 - (4) For an unclassified misdemeanor, the sentence shall be in accordance with a limitation of the statute defining the misdemeanor.

CALIFORNIA

Cal. Penal Code § 211

Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

Cal. Penal Code § 212

The fear mentioned in Section 211 may be either:

1. The fear of an unlawful injury to the person or property of the person robbed, or of any relative of his or member of his family; or,
2. The fear of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed at the time of the robbery.

Cal. Penal Code § 212.5

(a) Every robbery of any person who is performing his or her duties as an operator of any bus, taxicab, cable car, streetcar, trackless trolley, or other vehicle, including a vehicle operated on stationary rails or on a track or rail suspended in the air, and used for the transportation of persons for hire, every robbery of any passenger which is perpetrated on any of these vehicles, and every robbery which is perpetrated in an inhabited dwelling house, a vessel as defined in Section 21 of the Harbors and Navigation Code which is inhabited and designed for habitation, an inhabited floating home as defined in subdivision (d) of Section 18075.55 of the Health and Safety Code, a trailer coach as defined in the Vehicle Code which is inhabited, or the inhabited portion of any other building is robbery of the first degree.

(b) Every robbery of any person while using an automated teller machine or immediately after the person has used an automated teller machine and is in the vicinity of the automated teller machine is robbery of the first degree.

(c) All kinds of robbery other than those listed in subdivisions (a) and (b) are of the second degree.

Cal. Penal Code § 213

(a) Robbery is punishable as follows:

(1) Robbery of the first degree is punishable as follows:

(A) If the defendant, voluntarily acting in concert with two or more other persons, commits the robbery within an inhabited dwelling house, a vessel as defined in Section 21 of the Harbors and Navigation Code, which is inhabited and designed for habitation, an inhabited floating home as defined in subdivision (d) of Section 18075.55 of the Health and Safety Code, a trailer coach as defined in the Vehicle Code, which is inhabited, or the inhabited portion of any other building, by imprisonment in the state prison for three, six, or nine years.

(B) In all cases other than that specified in subparagraph (A), by imprisonment in the state prison for three, four, or six years.

(2) Robbery of the second degree is punishable by imprisonment in the state prison for two, three, or five years.

(b) Notwithstanding Section 664, attempted robbery in violation of paragraph (2) of subdivision (a) is punishable by imprisonment in the state prison.

Cal. Penal Code § 12022.53

(a) This section applies to the following felonies:

- (1) Section 187 (murder).
- (2) Section 203 or 205 (mayhem).
- (3) Section 207, 209, or 209.5 (kidnapping).
- (4) Section 211 (robbery).
- (5) Section 215 (carjacking).
- (6) Section 220 (assault with intent to commit a specified felony).
- (7) Subdivision (d) of Section 245 (assault with a firearm on a peace officer or firefighter).
- (8) Section 261 or former Section 262 (rape).
- (9) Section 264.1 (rape or sexual penetration in concert).
- (10) Section 286 (sodomy).
- (11) Section 287 or former Section 288a (oral copulation).
- (12) Section 288 or 288.5 (lewd act on a child).
- (13) Section 289 (sexual penetration).
- (14) Section 4500 (assault by a life prisoner).
- (15) Section 4501 (assault by a prisoner).
- (16) Section 4503 (holding a hostage by a prisoner).
- (17) Any felony punishable by death or imprisonment in the state prison for life.
- (18) Any attempt to commit a crime listed in this subdivision other than an assault.

(b) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally uses a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 10 years. The firearm need not be operable or loaded for this enhancement to apply.

(c) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally and intentionally discharges a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 20 years.

(d) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), Section 246, or subdivision (c) or (d) of Section 26100, personally and intentionally discharges a firearm and proximately causes great bodily injury, as defined in Section 12022.7, or death, to a person other than an accomplice, shall be punished by an additional and consecutive term of imprisonment in the state prison for 25 years to life.

(e)(1) The enhancements provided in this section shall apply to any person who is a principal in the commission of an offense if both of the following are pled and proved:

(A) The person violated subdivision (b) of Section 186.22.

(B) Any principal in the offense committed any act specified in subdivision (b), (c), or (d).

(2) An enhancement for participation in a criminal street gang pursuant to Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1 shall not be imposed on a person in addition to an enhancement imposed pursuant to this subdivision,

unless the person personally used or personally discharged a firearm in the commission of the offense.

(f) Only one additional term of imprisonment under this section shall be imposed per person for each crime. If more than one enhancement per person is found true under this section, the court shall impose upon that person the enhancement that provides the longest term of imprisonment. An enhancement involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4, 12022.5, or 12022.55 shall not be imposed on a person in addition to an enhancement imposed pursuant to this section. An enhancement for great bodily injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on a person in addition to an enhancement imposed pursuant to subdivision (d).

(g) Notwithstanding any other law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, a person found to come within the provisions of this section.

(h) The court may, in the interest of justice pursuant to Section 1385 and at the time of sentencing, strike or dismiss an enhancement otherwise required to be imposed by this section. The authority provided by this subdivision applies to any resentencing that may occur pursuant to any other law.

(i) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or any other law shall not exceed 15 percent of the total term of imprisonment imposed on a defendant upon whom a sentence is imposed pursuant to this section.

(j) For the penalties in this section to apply, the existence of any fact required under subdivision (b), (c), or (d) shall be alleged in the accusatory pleading and either admitted by the defendant in open court or found to be true by the trier of fact. When an enhancement specified in this section has been admitted or found to be true, the court shall impose punishment for that enhancement pursuant to this section rather than imposing punishment authorized under any other law, unless another enhancement provides for a greater penalty or a longer term of imprisonment.

(k) When a person is found to have used or discharged a firearm in the commission of an offense that includes an allegation pursuant to this section and the firearm is owned by that person, a coparticipant, or a coconspirator, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(l) The enhancements specified in this section shall not apply to the lawful use or discharge of a firearm by a public officer, as provided in Section 196, or by any person in lawful self-defense, lawful defense of another, or lawful defense of property, as provided in Sections 197, 198, and 198.5.

Cal. Penal Code § 12022

(a)(1) Except as provided in subdivisions (c) and (d), a person who is armed with a firearm in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one year, unless the arming is an element of that offense. This additional term shall apply to a person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with a firearm, whether or not the person is personally armed with a firearm.

(2) Except as provided in subdivision (c), and notwithstanding subdivision (d), if the firearm is an assault weapon, as defined in Section 30510 or 30515, or a machinegun, as defined in Section 16880, or a .50 BMG rifle, as defined in Section 30530, the additional and consecutive term described in this subdivision shall be three years imprisonment pursuant to subdivision (h) of Section 1170 whether or not the arming is an element of the offense of which the person was convicted. The additional term provided in this paragraph shall apply to any person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with an assault weapon, machinegun, or a .50 BMG rifle, whether or not the person is personally armed with an assault weapon, machinegun, or a .50 BMG rifle.

(b)(1) A person who personally uses a deadly or dangerous weapon in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for one year, unless use of a deadly or dangerous weapon is an element of that offense.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be in the state prison for one, two, or three years.

(3) When a person is found to have personally used a deadly or dangerous weapon in the commission of a felony or attempted felony as provided in this subdivision and the weapon is owned by that person, the court shall order that the weapon be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(c) Notwithstanding the enhancement set forth in subdivision (a), a person who is personally armed with a firearm in the commission of a violation or attempted violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for three, four, or five years.

(d) Notwithstanding the enhancement set forth in subdivision (a), a person who is not personally armed with a firearm who, knowing that another principal is personally armed with a firearm, is a principal in the commission of an offense or attempted offense specified in subdivision (c), shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years.

(e) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as a single enhancement.

(f) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in subdivision (c) or (d) in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

COLORADO

Colo. Rev. Stat. Ann. § 18-4-301

- (1) A person who knowingly takes anything of value from the person or presence of another by the use of force, threats, or intimidation commits robbery.
- (2) Robbery is a class 4 felony.

Colo. Rev. Stat. Ann. § 18-4-302

- (1) A person who commits robbery is guilty of aggravated robbery if during the act of robbery or immediate flight therefrom:
 - (a) He is armed with a deadly weapon with intent, if resisted, to kill, maim, or wound the person robbed or any other person; or
 - (b) He knowingly wounds or strikes the person robbed or any other person with a deadly weapon or by the use of force, threats, or intimidation with a deadly weapon knowingly puts the person robbed or any other person in reasonable fear of death or bodily injury; or
 - (c) He has present a confederate, aiding or abetting the perpetration of the robbery, armed with a deadly weapon, with the intent, either on the part of the defendant or confederate, if resistance is offered, to kill, maim, or wound the person robbed or any other person, or by the use of force, threats, or intimidation puts the person robbed or any other person in reasonable fear of death or bodily injury; or
 - (d) He possesses any article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or represents verbally or otherwise that he is then and there so armed.
- (2) Repealed by Laws 1989, S.B.246, § 156.
- (3) Aggravated robbery is a class 3 felony and is an extraordinary risk crime that is subject to the modified presumptive sentencing range specified in section 18-1.3-401 (10).
- (4) If a defendant is convicted of aggravated robbery pursuant to paragraph (b) of subsection (1) of this section, the court shall sentence the defendant in accordance with the provisions of section 18-1.3-406.

Colo. Rev. Stat. Ann. § 18-1.3-401

(1)(a)(I) As to any person sentenced for a felony committed after July 1, 1979, and before July 1, 1984, felonies are divided into five classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

Class	Presumptive Range
1	Life imprisonment or death
2	Eight to twelve years plus one year of parole
3	Four to eight years plus one year of parole
4	Two to four years plus one year of parole
5	One to two years plus one year of parole

(II) As to any person sentenced for a felony committed on or after July 1, 1984, and before July 1, 1985, felonies are divided into five classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

Class	Presumptive Range
1	Life imprisonment or death
2	Eight to twelve years
3	Four to eight years
4	Two to four years
5	One to two years

(III)(A) As to any person sentenced for a felony committed on or after July 1, 1985, except as otherwise provided in subsection (1)(a)(III)(E) or (1)(a)(III)(F) of this section, in addition to, or in lieu of, any sentence to imprisonment, probation, community corrections, or work release, a fine within the following presumptive ranges may be imposed for the specified classes of felonies:

Class	Minimum Sentence	Maximum Sentence
1	No fine	No fine
2	Five thousand dollars	One million dollars
3	Three thousand dollars	Seven hundred fifty thousand dollars
4	Two thousand dollars	Five hundred thousand dollars
5	One thousand dollars	One hundred thousand dollars
6	One thousand dollars	One hundred thousand dollars

(A.5) Notwithstanding any provision of law to the contrary, any person who attempts to commit, conspires to commit, or commits against an elderly person any felony set forth in part 4 of article 4 of this title, part 1, 2, 3, or 5 of article 5 of this title, article 5.5 of this title, or section 11-51-603, C.R.S., shall be required to pay a mandatory and substantial fine within the limits permitted by law. However, all moneys collected from the offender shall be applied in the following order: Costs for crime victim compensation fund pursuant to section 24-4.1-119, C.R.S.; surcharges for victims and witnesses assistance and law enforcement fund pursuant to section 24-4.2-104, C.R.S.; restitution; time payment fee; late fees; and any other fines, fees, or surcharges. For purposes of this sub-subparagraph (A.5), an “elderly person” or “elderly victim” means a person sixty years of age or older.

(B) Failure to pay a fine imposed pursuant to this subparagraph (III) is grounds for revocation of probation or revocation of a sentence to community corrections, assuming the defendant's ability to pay. If such a revocation occurs, the court may impose the maximum sentence allowable in the given sentencing ranges.

(C) Each judicial district shall have at least one clerk who shall collect and administer the fines imposed under this subparagraph (III) and under section 18-1.3-501 in accordance with the provisions of sub-subparagraph (D) of this subparagraph (III).

(D) All fines collected pursuant to this subsection (1)(a)(III) shall be deposited in the judicial collection enhancement cash fund created in section 16-11-101.6(2).

(E) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (III), a person who has been twice convicted of a felony under the laws of this state, any other state, or the United States prior to the conviction for which he or she is being sentenced shall not be eligible to receive a fine in lieu of any sentence to imprisonment, community corrections, or work release but shall be sentenced to at least the minimum sentence specified in subparagraph (V) of this paragraph (a) and may receive a fine in addition to said sentence.

(F) On and after June 6, 2018, if a person is convicted of second degree burglary as described in section 18-4-203(2), in addition to any other sentence, the court may require the person to pay a fine of at least five thousand dollars but not exceeding seven hundred fifty thousand dollars.

(IV) As to any person sentenced for a felony committed on or after July 1, 1985, but prior to July 1, 1993, felonies are divided into six classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Life imprisonment	Death
2	Eight years imprisonment	Twenty-four years imprisonment
3	Four years imprisonment	Sixteen years imprisonment
4	Two years imprisonment	Eight years imprisonment
5	One year imprisonment	Four years imprisonment
6	One year imprisonment	Two years imprisonment

(V)(A) Except as otherwise provided in section 18-1.3-401.5 for offenses contained in article 18 of this title 18 committed on or after October 1, 2013, as to any person sentenced for a felony committed on or after July 1, 1993, and before July 1, 2018, felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence	Mandatory Period of Parole
1	Life imprisonment	Death	None
2	Eight years imprisonment	Twenty-four years imprisonment	Five years
3	Four years imprisonment	Twelve years imprisonment	Five years
4	Two years imprisonment	Six years imprisonment	Three years
5	One year imprisonment	Three years imprisonment	Two years
6	One year imprisonment	Eighteen months imprisonment	One year

(A.1) Subject to the provisions of subsection (1)(a)(V)(F) of this section, as to any person sentenced for a felony committed on or after July 1, 2018, and prior to July 1, 2020,

felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence	Mandatory Period of Parole
1	Life imprisonment	Death	None
2	Eight years imprisonment	Twenty-four years imprisonment	Five years if the offense is a crime of violence as described in section 18-1.3-406(2) Three years if the offense is not a crime of violence as described in section 18-1.3-406(2)
3	Four years imprisonment	Twelve years imprisonment	Three years
4	Two years imprisonment	Six years imprisonment	Three years
5	One year imprisonment	Three years imprisonment	Two years
6	One year imprisonment	Eighteen months imprisonment	One year

(B) Any person who is paroled pursuant to section 17-22.5-403, or any person who is not paroled and is discharged pursuant to law, shall be subject to the mandatory period of parole established pursuant to subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section. Such mandatory period of parole may not be waived by the offender or waived or suspended by the court and shall be subject to the provisions of section 17-22.5-403(6), which permits the state board of parole to discharge the offender at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(C) Notwithstanding subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section, the mandatory period of parole for a person convicted of a felony offense committed prior to July 1, 1996, pursuant to part 4 of article 3 of this title 18, or part 3 of article 6 of this title 18, shall be five years. Notwithstanding subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section, and except as otherwise provided in subsection (1)(a)(V)(C.5) of this section, the period of parole for a person convicted of a felony offense committed on or after July 1, 1996, but prior to July 1, 2002, pursuant to part 4 of article 3 of this title, or part 3 of article 6 of this title, shall be set by the state board of parole pursuant to section 17-2-201(5)(a.5), but in no event shall the term of parole exceed the maximum sentence imposed upon the inmate by the court.

(C.3) Deleted by Laws 2002, Ch. 48, § 1, eff. March 26, 2002.

(C.5) Notwithstanding the provisions of subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section, any person sentenced for a sex offense, as defined in section 18-1.3-1003(5), committed on or after November 1, 1998, shall be sentenced pursuant to the provisions of part 10 of this article 1.3.

(C.7) Any person sentenced for a felony committed on or after July 1, 2002, involving unlawful sexual behavior, as defined in section 16-22-102(9), or for a felony, committed on or after July 1, 2002, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 10 of this article 1.3, shall be

subject to the mandatory period of parole specified in subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section.

(D) The mandatory period of parole imposed pursuant to subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section shall commence immediately upon the discharge of an offender from imprisonment in the custody of the department of corrections. If the offender has been granted release to parole supervision by the state board of parole, the offender shall be deemed to have discharged the offender's sentence to imprisonment provided for in subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section in the same manner as if such sentence were discharged pursuant to law; except that the sentence to imprisonment for any person sentenced as a sex offender pursuant to part 10 of this article 1.3 shall not be deemed discharged on release of said person on parole. When an offender is released by the state board of parole or released because the offender's sentence was discharged pursuant to law, the mandatory period of parole shall be served by such offender. An offender sentenced for nonviolent felony offenses, as defined in section 17-22.5-405(5), may receive earned time pursuant to section 17-22.5-405, while serving a mandatory parole period in accordance with this section, but not while such offender is reincarcerated after a revocation of the mandatory period of parole. An offender who is sentenced for a felony committed on or after July 1, 1993, and paroled on or after January 1, 2009, shall be eligible to receive any earned time while on parole or after reparole following a parole revocation. The offender shall not be eligible for earned time while the offender is reincarcerated after revocation of the mandatory period of parole pursuant to this subsection (1)(a)(V).

(E) If an offender is sentenced consecutively for the commission of two or more felony offenses pursuant to subsection (1)(a)(V)(A) or (1)(a)(V)(A.1) of this section, the mandatory period of parole for such offender shall be the mandatory period of parole established for the highest class felony of which such offender has been convicted.

(F) Notwithstanding any other provision to the contrary, the maximum sentence for a class 1 felony that is charged after July 1, 2020, is life imprisonment.

(V.5)(A) As to any person sentenced for a felony for an offense committed on or after July 1, 2020, felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence	Mandatory Period of Parole
1	Life imprisonment		None
2	Eight years imprisonment	Twenty-four years imprisonment	Five years if offense is a crime of violence as described in section 18-1.3-406(2) Three years if the offense is not a crime of violence as described in section 18-1.3-406(2)
3	Four years imprisonment	Twelve years imprisonment	Three years
4	Two years imprisonment	Six years imprisonment	Three years
5	One year imprisonment	Three years imprisonment	Two years

6	One year imprisonment	Eighteen months imprisonment	One year
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(B) Any person who is paroled pursuant to section 17-22.5-403, or any person who is not paroled and is discharged pursuant to law, shall be subject to the mandatory period of parole established pursuant to subsection (1)(a)(V.5)(A) of this section. Such mandatory period of parole may not be waived by the offender or waived or suspended by the court and shall be subject to the provisions of section 17-22.5-403(8), which permits the state board of parole to discharge the offender at any time during the term of parole upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from parole supervision.

(C) Notwithstanding the provisions of subsection (1)(a)(V.5)(A) of this section, any person sentenced for a sex offense, as defined in section 18-1.3-1003(5), committed on or after July 1, 2020, shall be sentenced pursuant to the provisions of part 10 of this article 1.3.

(D) Any person sentenced for a felony conviction entered on or after July 1, 2020, involving unlawful sexual behavior, as defined in section 16-22-102(9), or for a felony committed on or after July 1, 2020, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 10 of this article 1.3, shall be subject to the mandatory period of parole specified in subsection (1)(a)(V.5)(A) of this section.

(E) The mandatory period of parole imposed pursuant to subsection (1)(a)(V.5)(A) of this section shall commence immediately upon the discharge of an offender from imprisonment in the custody of the department of corrections. If the offender has been granted release to parole supervision by the state board of parole, the offender shall be deemed to have discharged the offender's sentence to imprisonment provided for in subsection (1)(a)(V.5)(A) of this section in the same manner as if such sentence were discharged pursuant to law; except that the sentence to imprisonment for any person sentenced as a sex offender pursuant to part 10 of this article 1.3 shall not be deemed discharged on release of said person on parole. When an offender is released by the state board of parole or released because the offender's sentence was discharged pursuant to law, the mandatory period of parole shall be served by such offender. An offender sentenced for a nonviolent felony offense, as defined in section 17-22.5-405(5), may receive earned time pursuant to section 17-22.5-405 while serving a mandatory parole period in accordance with this section, but not while such offender is reincarcerated after a revocation of the mandatory period of parole. An offender shall be eligible to receive earned time while on parole or after reparole following a parole revocation. The offender shall not be eligible for earned time while the offender is reincarcerated after revocation of the mandatory period of parole pursuant to this subsection (1)(a)(V.5).

(F) If an offender is sentenced consecutively for the commission of two or more felony offenses pursuant to subsection (1)(a)(V.5)(A) of this section, the mandatory period of parole for such offender shall be the mandatory period of parole established for the highest class felony of which such offender has been convicted.

(VI) Any person sentenced for a class 2, 3, 4, or 5 felony, or a class 6 felony that is the offender's second or subsequent felony offense, committed on or after July 1, 1998, regardless of the length of the person's sentence to incarceration and the mandatory period of parole, shall not be deemed to have fully discharged his or her sentence until

said person has either completed or been discharged by the state board of parole from the mandatory period of parole imposed pursuant to subparagraph (V) of this paragraph (a).

(b)(I) Except as provided in subsection (6) and subsection (8) of this section and in section 18-1.3-804, a person who has been convicted of a class 2, class 3, class 4, class 5, or class 6 felony shall be punished by the imposition of a definite sentence which is within the presumptive ranges set forth in paragraph (a) of this subsection (1). In imposing the sentence within the presumptive range, the court shall consider the nature and elements of the offense, the character and record of the offender, and all aggravating or mitigating circumstances surrounding the offense and the offender. The prediction of the potential for future criminality by a particular defendant, unless based on prior criminal conduct, shall not be considered in determining the length of sentence to be imposed.

(II) As to any person sentenced for a felony committed on or after July 1, 1985, a person may be sentenced to imprisonment as described in subparagraph (I) of this paragraph (b) or to pay a fine that is within the presumptive ranges set forth in subparagraph (III) of paragraph (a) of this subsection (1) or to both such fine and imprisonment; except that any person who has been twice convicted of a felony under the laws of this state, any other state, or the United States prior to the conviction for which he or she is being sentenced shall not be eligible to receive a fine in lieu of any sentence to imprisonment as described in subparagraph (I) of this paragraph (b) but shall be sentenced to at least the minimum sentence specified in subparagraph (V) of paragraph (a) of this subsection (1) and may receive a fine in addition to said sentence.

(II.5) Notwithstanding anything in this section to the contrary, any person sentenced for a sex offense, as defined in section 18-1.3-1003(5), committed on or after November 1, 1998, may be sentenced to pay a fine in addition to, but not instead of, a sentence for imprisonment or probation pursuant to section 18-1.3-1004.

(III) Notwithstanding anything in this section to the contrary, as to any person sentenced for a crime of violence, as defined in section 18-1.3-406, committed on or after July 1, 1985, a person may be sentenced to pay a fine in addition to, but not instead of, a sentence for imprisonment.

(IV) If a person is convicted of assault in the first degree pursuant to section 18-3-202 or assault in the second degree pursuant to section 18-3-203(1)(c.5), and the victim is a peace officer, firefighter, or emergency medical service provider engaged in the performance of his or her duties, as defined in section 18-1.3-501(1.5)(b),

notwithstanding the provisions of subparagraph (III) of paragraph (a) of this subsection (1) and subparagraph (II) of this paragraph (b), the court shall sentence the person to the department of corrections. In addition to a term of imprisonment, the court may impose a fine on the person pursuant to subparagraph (III) of paragraph (a) of this subsection (1).

(c) Except as otherwise provided by statute, felonies are punishable by imprisonment in any correctional facility under the supervision of the executive director of the department of corrections. Nothing in this section shall limit the authority granted in part 8 of this article to increase sentences for habitual criminals. Nothing in this section shall limit the authority granted in parts 9 and 10 of this article to sentence sex offenders to the department of corrections or to sentence sex offenders to probation for an indeterminate term. Nothing in this section shall limit the authority granted in section 18-1.3-804 for increased sentences for habitual burglary offenders.

(2)(a) A corporation which has been found guilty of a class 2 or class 3 felony shall be subject to imposition of a fine of not less than five thousand dollars nor more than fifty thousand dollars. A corporation which has been found guilty of a class 4, class 5, or class 6 felony shall be subject to imposition of a fine of not less than one thousand dollars nor more than thirty thousand dollars.

(b) A corporation which has been found guilty of a class 2, class 3, class 4, class 5, or class 6 felony, for an act committed on or after July 1, 1985, shall be subject to imposition of a fine which is within the presumptive ranges set forth in subparagraph (III) of paragraph (a) of subsection (1) of this section.

(3) Every person convicted of a felony, whether defined as such within or outside this code, shall be disqualified from holding any office of honor, trust, or profit under the laws of this state or from practicing as an attorney in any of the courts of this state during the actual time of confinement or commitment to imprisonment or release from actual confinement on conditions of probation. Upon his or her discharge after completion of service of his or her sentence or after service under probation, the right to hold any office of honor, trust, or profit shall be restored, except as provided in section 4 of article XII of the state constitution.

(4)(a)(I) A person who has been convicted of a class 1 felony shall be punished by life imprisonment in the department of corrections unless the offense was charged prior to July 1, 2020, and a proceeding held to determine sentence according to the procedure set forth in section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102 results in a verdict that requires imposition of the death penalty, in which event such person shall be sentenced to death.

(II) A person who has been convicted of a class 1 felony shall be punished by life imprisonment in the department of corrections if the offense was committed during a period of time when Colorado's death penalty was unconstitutional.

(III) As to any person sentenced for a class 1 felony, for an act committed on or after July 1, 1985, and before July 1, 1990, life imprisonment shall mean imprisonment without the possibility of parole for forty calendar years. As to any person sentenced for a class 1 felony, for an act committed on or after July 1, 1990, life imprisonment shall mean imprisonment without the possibility of parole.

(b)(I) Notwithstanding subsection (1)(a)(V)(A) of this section and notwithstanding subsection (4)(a) of this section, as to a person who is convicted as an adult of a class 1 felony following direct filing of an information or indictment in the district court pursuant to section 19-2.5-801 or transfer of proceedings to the district court pursuant to section 19-2.5-802, the district court judge shall sentence the person to a term of life imprisonment with the possibility of parole after serving a period of forty years, less any earned time granted pursuant to section 17-22.5-405. Regardless of whether the state board of parole releases the person on parole, the person shall remain in the legal custody of the department of corrections for the remainder of the person's life and shall not be discharged.

(II) The provisions of this paragraph (b) shall apply to persons sentenced for offenses committed on or after July 1, 2006.

(c)(I) Notwithstanding subsections (1)(a)(V)(A), (4)(a), and (4)(b) of this section, as to a person who is convicted as an adult of a class 1 felony following a direct filing of an information or indictment in the district court pursuant to section 19-2.5-801, or transfer of proceedings to the district court pursuant to section 19-2.5-802, or pursuant to either of

these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, which felony was committed on or after July 1, 1990, and before July 1, 2006, and who received a sentence to life imprisonment without the possibility of parole:

(A) If the felony for which the person was convicted is murder in the first degree, as described in section 18-3-102(1)(b), as it existed prior to September 15, 2021, then the district court, after holding a hearing, may sentence the person to a determinate sentence within the range of thirty to fifty years in prison, less any earned time granted pursuant to section 17-22.5-405, if, after considering the factors described in subsection (4)(c)(II) of this section, the district court finds extraordinary mitigating circumstances. Alternatively, the court may sentence the person to a term of life imprisonment with the possibility of parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405.

(B) If the felony for which the person was convicted is not murder in the first degree, as described in section 18-3-102(1)(b), as it existed prior to September 15, 2021, then the district court shall sentence the person to a term of life imprisonment with the possibility of parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405.

(II) In determining whether extraordinary mitigating circumstances exist, the court shall conduct a sentencing hearing, make factual findings to support its decision, and consider relevant evidence presented by either party regarding the following factors:

(A) The diminished culpability and heightened capacity for change associated with youth;

(B) The offender's developmental maturity and chronological age at the time of the offense and the hallmark features of such age, including but not limited to immaturity, impetuosity, and inability to appreciate risks and consequences;

(C) The offender's capacity for change and potential for rehabilitation, including any evidence of the offender's efforts toward, or amenability to, rehabilitation;

(D) The impact of the offense upon any victim or victim's immediate family; and

(E) Any other factors that the court deems relevant to its decision, so long as the court identifies such factors on the record.

(III) If a person is sentenced to a determinate range of thirty to fifty years in prison pursuant to this paragraph (c), the court shall impose a mandatory period of ten years parole.

(IV) If a person is sentenced to a term of life imprisonment with the possibility of parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405, C.R.S., regardless of whether the state board of parole releases the person on parole, the person shall remain in the legal custody of the department of corrections for the remainder of his or her life and shall not be discharged.

(5) In the event the death penalty as provided for in this section is held to be unconstitutional by the Colorado supreme court or the United States supreme court, a person convicted of a crime punishable by death under the laws of this state shall be punished by life imprisonment. In such circumstance, the court which previously sentenced a person to death shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment.

(6) In imposing a sentence to incarceration, the court shall impose a definite sentence which is within the presumptive ranges set forth in subsection (1) of this section unless it concludes that extraordinary mitigating or aggravating circumstances are present, are based on evidence in the record of the sentencing hearing and the presentence report, and support a different sentence which better serves the purposes of this code with respect to sentencing, as set forth in section 18-1-102.5. If the court finds such extraordinary mitigating or aggravating circumstances, it may impose a sentence which is lesser or greater than the presumptive range; except that in no case shall the term of sentence be greater than twice the maximum nor less than one-half the minimum term authorized in the presumptive range for the punishment of the offense.

(7) In all cases, except as provided in subsection (8) of this section, in which a sentence which is not within the presumptive range is imposed, the court shall make specific findings on the record of the case, detailing the specific extraordinary circumstances which constitute the reasons for varying from the presumptive sentence.

(8)(a) The presence of any one or more of the following extraordinary aggravating circumstances shall require the court, if it sentences the defendant to incarceration, to sentence the defendant to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of a felony:

(I) The defendant is convicted of a crime of violence under section 18-1.3-406;

(II) The defendant was on parole for another felony at the time of commission of the felony;

(III) The defendant was on probation or was on bond while awaiting sentencing following revocation of probation for another felony at the time of the commission of the felony;

(IV) The defendant was under confinement, in prison, or in any correctional institution as a convicted felon, or an escapee from any correctional institution for another felony at the time of the commission of a felony;

(V) At the time of the commission of the felony, the defendant was on appeal bond following his or her conviction for a previous felony;

(VI) At the time of the commission of a felony, the defendant was on probation for or on bond while awaiting sentencing following revocation of probation for a delinquent act that would have constituted a felony if committed by an adult.

(b) In any case in which one or more of the extraordinary aggravating circumstances provided for in paragraph (a) of this subsection (8) exist, the provisions of subsection (7) of this section shall not apply.

(c) Nothing in this subsection (8) shall preclude the court from considering aggravating circumstances other than those stated in paragraph (a) of this subsection (8) as the basis for sentencing the defendant to a term greater than the presumptive range for the felony.

(d)(I) If the defendant is convicted of the class 2 or the class 3 felony of child abuse under section 18-6-401(7)(a)(I) or (7)(a)(III), the court shall be required to sentence the defendant to the department of corrections for a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of that class felony.

(II) In no case shall any defendant sentenced pursuant to subparagraph (I) of this paragraph (d) be eligible for suspension of sentence or for probation or deferred prosecution.

(e)(I) If the defendant is convicted of the class 2 felony of sexual assault in the first degree under section 18-3-402(3), commission of which offense occurs prior to November 1, 1998, the court shall be required to sentence the defendant to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of that class of felony.

(II) In no case shall any defendant sentenced pursuant to subparagraph (I) of this paragraph (e) be eligible for suspension of sentence or probation.

(III) As a condition of parole under section 17-2-201(5)(e), C.R.S., a defendant sentenced pursuant to this paragraph (e) shall be required to participate in a program of mental health counseling or receive appropriate treatment to the extent that the state board of parole deems appropriate to effectuate the successful reintegration of the defendant into the community while recognizing the need for public safety.

(e.5) If the defendant is convicted of the class 2 felony of sexual assault under section 18-3-402(5) or the class 2 felony of sexual assault in the first degree under section 18-3-402(3) as it existed prior to July 1, 2000, commission of which offense occurs on or after November 1, 1998, the court shall be required to sentence the defendant to the department of corrections for an indeterminate sentence of at least the midpoint in the presumptive range for the punishment of that class of felony up to the defendant's natural life.

(f) The court may consider aggravating circumstances such as serious bodily injury caused to the victim or the use of a weapon in the commission of a crime, notwithstanding the fact that such factors constitute elements of the offense.

(g) If the defendant is convicted of class 4 or class 3 felony vehicular homicide under section 18-3-106(1)(a) or (1)(b), and while committing vehicular homicide the defendant was in immediate flight from the commission of another felony, the court shall be required to sentence the defendant to the department of corrections for a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of the class of felony vehicular homicide of which the defendant is convicted.

(9) The presence of any one or more of the following sentence-enhancing circumstances shall require the court, if it sentences the defendant to incarceration, to sentence the defendant to a term of at least the minimum in the presumptive range but not more than twice the maximum term authorized in the presumptive range for the punishment of a felony:

(a) At the time of the commission of the felony, the defendant was charged with or was on bond for a felony in a previous case and the defendant was convicted of any felony in the previous case;

(a.5) At the time of the commission of the felony, the defendant was charged with or was on bond for a delinquent act that would have constituted a felony if committed by an adult;

(b) At the time of the commission of the felony, the defendant was on bond for having pled guilty to a lesser offense when the original offense charged was a felony;

- (c) The defendant was under a deferred judgment and sentence for another felony at the time of the commission of the felony;
- (c.5) At the time of the commission of the felony, the defendant was on bond in a juvenile prosecution under title 19, C.R.S., for having pled guilty to a lesser delinquent act when the original delinquent act charged would have constituted a felony if committed by an adult;
- (c.7) At the time of the commission of the felony, the defendant was under a deferred judgment and sentence for a delinquent act that would have constituted a felony if committed by an adult;
- (d) At the time of the commission of the felony, the defendant was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult.
- (10)(a) The general assembly hereby finds that certain crimes that are listed in subsection (10)(b) of this section present an extraordinary risk of harm to society and therefore, in the interest of public safety, for such crimes that constitute class 3 felonies, the maximum sentence in the presumptive range is increased by four years; for such crimes that constitute class 4 felonies, the maximum sentence in the presumptive range is increased by two years; for such crimes that constitute class 5 felonies, the maximum sentence in the presumptive range is increased by one year; for such crimes that constitute class 6 felonies, the maximum sentence in the presumptive range is increased by six months.
- (b) Crimes that present an extraordinary risk of harm to society include the following:
- (I) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (II) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (III) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (IV) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (V) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (VI) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (VII) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (VIII) Repealed by Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004.
- (IX) Aggravated robbery, as defined in section 18-4-302;
- (X) Child abuse, as defined in section 18-6-401;
- (XI) Unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense, as defined in section 18-18-405;
- (XII) Any crime of violence, as defined in section 18-1.3-406;
- (XIII) Stalking, as described in section 18-9-111(4), as it existed prior to August 11, 2010, or section 18-3-602;
- (XIV) Sale or distribution of materials to manufacture controlled substances, as described in section 18-18-412.7;
- (XV) Felony invasion of privacy for sexual gratification, as described in section 18-3-405.6;
- (XVI) A class 3 felony offense of human trafficking for involuntary servitude, as described in section 18-3-503;
- (XVII) A class 3 felony offense of human trafficking for sexual servitude, as described in section 18-3-504;
- (XVIII) Assault in the second degree, as described in section 18-3-203 (1)(i); and

(XIX) Sexual exploitation of a child, as described in [section 18-6-403 \(5.5\)](#).

(c) Repealed by [Laws 2004, Ch. 200, § 1, eff. Aug. 4, 2004](#).

(11) When it shall appear to the satisfaction of the court that the ends of justice and the best interest of the public, as well as the defendant, will be best served thereby, the court shall have the power to suspend the imposition or execution of sentence for such period and upon such terms and conditions as it may deem best; except that in no instance shall the court have the power to suspend a sentence to a term of incarceration when the defendant is sentenced pursuant to a sentencing provision that requires incarceration or imprisonment in the department of corrections, community corrections, or jail. In no instance shall a sentence be suspended if the defendant is ineligible for probation pursuant to [section 18-1.3-201](#), except upon an express waiver being made by the sentencing court regarding a particular defendant upon recommendation of the district attorney and approval of such recommendation by an order of the sentencing court pursuant to [section 18-1.3-201\(4\)](#).

(12) Every sentence entered under this section shall include consideration of restitution as required by part 6 of this article and by article 18.5 of title 16, C.R.S.

(13)(a) The court, if it sentences a defendant who is convicted of any one or more of the offenses specified in paragraph (b) of this subsection (13) to incarceration, shall sentence the defendant to a term of at least the midpoint, but not more than twice the maximum, of the presumptive range authorized for the punishment of the offense of which the defendant is convicted if the court makes the following findings on the record:

(I) The victim of the offense was pregnant at the time of commission of the offense; and
(II) The defendant knew or reasonably should have known that the victim of the offense was pregnant.

(III) Deleted by [Laws 2003, Ch. 340, § 3, eff. July 1, 2003](#).

(b) The provisions of this subsection (13) shall apply to the following offenses:

(I) Murder in the second degree, as described in [section 18-3-103](#);

(II) Manslaughter, as described in [section 18-3-104](#);

(III) Criminally negligent homicide, as described in [section 18-3-105](#);

(IV) Vehicular homicide, as described in [section 18-3-106](#);

(V) Assault in the first degree, as described in [section 18-3-202](#);

(VI) Assault in the second degree, as described in [section 18-3-203](#);

(VII) Vehicular assault, as described in [section 18-3-205](#).

(c) Notwithstanding any provision of this subsection (13) to the contrary, for any of the offenses specified in paragraph (b) of this subsection (13) that constitute crimes of violence, the court shall sentence the defendant in accordance with the provisions of [section 18-1.3-406](#).

(14) The court may sentence a defendant to the youthful offender system created in [section 18-1.3-407](#) if the defendant is an eligible young adult offender pursuant to [section 18-1.3-407.5](#).

Colo. Rev. Stat. Ann. § 18-1.3-406

(1)(a) Any person convicted of a crime of violence shall be sentenced pursuant to [section 18-1.3-401\(8\)](#) to the department of corrections for a term of incarceration of at least the midpoint in, but not more than twice the maximum of, the presumptive range provided for such offense in [section 18-1.3-401\(1\)\(a\)](#), as modified for an extraordinary risk crime

pursuant to section 18-1.3-401(10), without suspension; except that, within ninety-one days after the person has been placed in the custody of the department of corrections, upon the request of the defendant, prosecution, or the court, the department shall transmit to the sentencing court a report on the evaluation and diagnosis of the violent offender, and the court, in a case that it considers to be exceptional and to involve unusual and extenuating circumstances, may thereupon modify the sentence, effective not earlier than one hundred nineteen days after the person's placement in the custody of the department. Such modification may include probation if the person is otherwise eligible therefor. Whenever a court finds that modification of a sentence is justified, the judge shall notify the state court administrator of the judge's decision and shall advise the administrator of the unusual and extenuating circumstances that justified the modification. The state court administrator shall maintain a record, which is open to the public, summarizing all modifications of sentences and the grounds therefor for each judge of each district court in the state.

(b) Except as described in subsection (1)(e) of this section, for offenses committed on or after July 1, 2023, a court shall sentence a person convicted of two or more separate crimes of violence arising out of the same incident so that the person's sentences are served consecutively rather than concurrently; except that if the person has not previously requested a review of the term of years of the mandatory sentences pursuant to subsection (1)(a) of this section, the person may petition the court for a modification of the sentences imposed if after at least two calendar years but no more than five calendar years after the entry of final judgment of conviction or sentence have passed. The person is entitled to an evidentiary hearing on the petition for modification of sentence, and the court shall appoint counsel for the defendant for the hearing. The court shall serve an order of appointment on the office of state public defender, which shall represent the defendant or notify the court of a conflict. The court shall allow counsel to supplement the petition.

(c) Following the evidentiary hearing authorized in subsection (1)(b) of this section, the court may modify the terms of the sentence if the court finds substantial mitigating factors surrounding the case and if the person has demonstrated substantial actions toward rehabilitation as evidenced by engagement in positive programming; assigned work; treatment, when available; and behavior that is compliant with the rules of the facility or facilities where the person is or was placed. A modification ordered by the court may include the imposition of concurrent sentences or modification of the length of the sentences to incarceration.

(d) Notwithstanding the provisions of subsection (1)(a) of this section, any person convicted of a sex offense, as defined in section 18-1.3-1003(5), committed on or after November 1, 1998, that constitutes a crime of violence shall be sentenced to the department of corrections for an indeterminate term of incarceration of at least the midpoint in the presumptive range specified in section 18-1.3-401(1)(a)(V)(A) or (1)(a)(V)(A.1) up to a maximum of the person's natural life, as provided in section 18-1.3-1004(1).

(e) The court may require a defendant to serve the defendant's sentences concurrently rather than consecutively if the defendant is convicted of two or more separate crimes of violence arising out of the same incident and:

(I) One of the crimes is:

(A) Aggravated robbery, as described in section 18-4-302;

(B) Assault in the second degree, as described in section 18-3-203;

or

(C) Escape, as described in section 18-8-208; or

(II) The parties agreed to waive ineligibility for concurrent sentences; or

(III) The following factors are proven by a preponderance of the evidence by the defendant or stipulated by the parties at the sentencing hearing:

(A) The defendant has no prior felony convictions for a victim rights offense pursuant to section 24-4.1-302; and

(B) The defendant did not use or possess a firearm or explosive in the commission of the offense or threaten the use of a firearm or explosive during the commission of the offense; and

(C) The defendant's action did not result in serious bodily injury or death.

(2)(a)(I) "Crime of violence" means any of the crimes specified in subparagraph (II) of this paragraph (a) committed, conspired to be committed, or attempted to be committed by a person during which, or in the immediate flight therefrom, the person:

(A) Used, or possessed and threatened the use of, a deadly weapon; or

(B) Caused serious bodily injury or death to any other person except another participant.

(II) Subsection (2)(a)(I) of this section applies to the following crimes:

(A) Any crime against an at-risk adult or at-risk juvenile;

(B) Murder;

(C) First or second degree assault;

(D) Kidnapping;

(E) A sexual offense pursuant to part 4 of article 3 of this title;

(F) Aggravated robbery;

(G) First degree arson;

(H) First degree burglary;

(I) Escape;

(J) Criminal extortion;

(K) First or second degree unlawful termination of pregnancy.

(L) Human trafficking for involuntary servitude of an adult or a minor in violation of section 18-3-503; or

(M) Human trafficking for sexual servitude of an adult or a minor in violation of section 18-3-504.

(b)(I) "Crime of violence" also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim. For purposes of this subparagraph (I), "unlawful sexual offense" shall have the same meaning as set forth in section 18-3-411(1), and "bodily injury" shall have the same meaning as set forth in section 18-1-901(3)(c).

(II) The provisions of subparagraph (I) of this paragraph (b) shall apply only to felony unlawful sexual offenses.

(c) As used in this section, “at-risk adult” has the same meaning as set forth in section 18-6.5-102(2), and “at-risk juvenile” has the same meaning as set forth in section 18-6.5-102(4).

(3) In any case in which the accused is charged with a crime of violence as defined in subsection (2)(a) of this section, the indictment or information shall so allege in a separate count, even though the use or threatened use of such deadly weapon or infliction of such serious bodily injury or death is not an essential element of the crime charged.

(4) The jury, or the court if no jury trial is had, in any case as provided in subsection (3) of this section shall make a specific finding as to whether the accused did or did not use, or possessed and threatened to use, a deadly weapon during the commission of such crime or whether such serious bodily injury or death was caused by the accused. If the jury or court finds that the accused used, or possessed and threatened the use of, such deadly weapon or that such injury or death was caused by the accused, the penalty provisions of this section shall be applicable.

(5) In any case in which the accused is charged with a crime of violence as defined in subsection (2)(b)(I) of this section, the indictment or information shall so allege in a separate count, even though the use of threat, intimidation, or force or the infliction of bodily injury is not an essential element of the crime charged.

(6) The jury, or the court if no jury trial is had, in any case as provided in subsection (5) of this section shall make a specific finding as to whether the accused did or did not use threat, intimidation, or force during the commission of such crime or whether such bodily injury was caused by the accused. If the jury or court finds that the accused used threat, intimidation, or force or that such bodily injury was caused by the accused, the penalty provisions of this section shall be applicable.

(7)(a) In any case in which the accused is charged with a crime of violence as defined in this section and the indictment or information specifies the use of a dangerous weapon as defined in sections 18-12-101 and 18-12-102, or the use of a semiautomatic assault weapon as defined in paragraph (b) of this subsection (7), upon conviction for said crime of violence, the judge shall impose an additional sentence to the department of corrections of five years for the use of such weapon. The sentence of five years shall be in addition to the mandatory sentence imposed for the substantive offense and shall be served consecutively to any other sentence and shall not be subject to suspension or probation.

(b) For the purposes of this subsection (7), “semiautomatic assault weapon” means any semiautomatic center fire firearm that is equipped with a detachable magazine with a capacity of twenty or more rounds of ammunition.

CONNECTICUT

Conn. Gen. Stat. Ann. § 53a-133

A person commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of: (1) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or (2) compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.

Conn. Gen. Stat. Ann. § 53a-136a

Any person who commits robbery by taking a motor vehicle from the person of another knowing that such motor vehicle is occupied by such other person shall be imprisoned for a term of three years which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for such offense.

Conn. Gen. Stat. Ann. § 53a-136

(a) A person is guilty of robbery in the third degree when he commits robbery as defined in section 53a-133.

(b) Robbery in the third degree is a class D felony.

Conn. Gen. Stat. Ann. § 53a-135

(a) A person is guilty of robbery in the second degree when such person (1) commits robbery, as defined in section 53a-133, and (A) is aided by another person actually present; or (B) in the course of the commission of the crime or of immediate flight therefrom, such person or another participant in the crime displays or threatens the use of what such person represents by such person's words or conduct to be a deadly weapon or a dangerous instrument; or (2) in the course of committing a larceny while on the premises of a bank, Connecticut credit union or federal credit union, as those terms are defined in section 36a-2, intimidates an employee of the bank, Connecticut credit union or federal credit union by intentionally engaging in conduct that causes another person to reasonably fear for his or her physical safety or the physical safety of another for the purpose of: (A) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking of the property; or (B) compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.

(b) Robbery in the second degree is a class C felony.

Conn. Gen. Stat. Ann. § 53a-134

(a) A person is guilty of robbery in the first degree when, in the course of the commission of the crime of robbery as defined in section 53a-133 or of immediate flight therefrom, he or another participant in the crime: (1) Causes serious physical injury to any person who is not a participant in the crime; or (2) is armed with a deadly weapon; or (3) uses or threatens the use of a dangerous instrument; or (4) displays or threatens the use of what he represents by his words or conduct to be a pistol, revolver, rifle, shotgun, machine gun or other firearm, except that in any prosecution under this subdivision, it is an affirmative defense that such pistol, revolver, rifle, shotgun, machine gun or other

firearm was not a weapon from which a shot could be discharged. Nothing contained in this subdivision shall constitute a defense to a prosecution for, or preclude a conviction of, robbery in the second degree, robbery in the third degree or any other crime.

(b) Robbery in the first degree is a class B felony provided any person found guilty under subdivision (2) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.

Conn. Gen. Stat. Ann. § 53a-35a

For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:

- (1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;
- (2) For the class A felony of murder, a term not less than twenty-five years nor more than life;
- (3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years;
- (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;
- (5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years;
- (6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years;
- (7) For a class C felony, a term not less than one year nor more than ten years;
- (8) For a class D felony, a term not more than five years;
- (9) For a class E felony, a term not more than three years; and
- (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.

DELAWARE

Del. Code Ann. tit. 11, § 831

(a) A person is guilty of robbery in the second degree when, in the course of committing theft, the person uses or threatens the immediate use of force upon another person with intent to:

- (1) Prevent or overcome resistance to the taking of the property or to the retention thereof immediately after the taking; or
- (2) Compel the owner of the property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft.

(b) Except as provided in paragraph (d) of this section, robbery second degree is a class E felony.

(c) In addition to its ordinary meaning, the phrase “in the course of committing theft” includes any act which occurs in an attempt to commit theft or in immediate flight after the attempt or commission of the theft.

(d) Robbery in the second degree is a class D felony when, in the course of committing an offense under subsection (a) of this section, the person takes possession of a motor vehicle, and while in possession or control of such vehicle, the person does any of the following:

- (1) Commits or attempts to commit a class D or greater felony.
- (2) Drives or operates the vehicle in violation of § 4177 of Title 21.
- (3) Commits any offense set forth in Chapter 47 of Title 16.
- (4) Engages in conduct which causes or creates a substantial risk of physical injury to another person.

(e) Definitions relating to subsection (d) of this section.--(1) “Another person” means and includes the owner of the motor vehicle or any operator, occupant, passenger of the motor vehicle or any other person who has an interest in the use of the motor vehicle which the offender is not privileged to infringe.

- (2) “Motor vehicle” or “vehicle,” means its ordinary meaning and includes any watercraft.

Del. Code Ann. tit. 11, § 832

(a) A person is guilty of robbery in the first degree when the person commits the crime of robbery in the second degree and when, in the course of the commission of the crime or of immediate flight therefrom, the person or another participant in the crime:

- (1) Causes physical injury to any person who is not a participant in the crime; or
- (2) Displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon; or
- (3) Is armed with and uses or threatens the use of a dangerous instrument; or
- (4) Commits said crime against a person who is 65 years of age or older; or
- (5) Threatens death upon another.

Robbery in the first degree is a class B felony.

(b) Notwithstanding any provisions of this section or Code to the contrary, any person convicted of robbery in the first degree shall receive a minimum sentence of:

- (1) Three years at Level V; or
- (2) Five years at Level V, if the conviction was either of the following:

- a. For an offense that was committed pursuant to paragraph (a)(3) of this section and the deadly weapon was a firearm, and within 7 years of the date of a previous conviction for robbery in the first degree or if the conviction is for an offense that was committed within 7 years of the date of termination of all periods of incarceration or confinement imposed pursuant to a previous conviction for robbery in the first degree, whichever is the later date.
- b. For an offense committed within 2 years of the date of a previous conviction for robbery in the first degree or if the conviction is for an offense that was committed within 2 years of the date of termination of all periods of incarceration or confinement imposed pursuant to a previous conviction for robbery in the first degree, whichever is the later date.
- (c) The sentencing provisions of this section apply to attempted robbery in the first degree as well as robbery in the first degree.

Del. Code Ann. tit. 11, § 4205

- (a) A sentence of incarceration for a felony shall be a definite sentence.
- (b) The term of incarceration which the court may impose for a felony is fixed as follows:
 - (1) For a class A felony not less than 15 years up to life imprisonment to be served at Level V except for conviction of first degree murder in which event § 4209 of this title shall apply.
 - (2) For a class B felony not less than 2 years up to 25 years to be served at Level V.
 - (3) For a class C felony up to 15 years to be served at Level V.
 - (4) For a class D felony up to 8 years to be served at Level V.
 - (5) For a class E felony up to 5 years to be served at Level V.
 - (6) For a class F felony up to 3 years to be served at Level V.
 - (7) For a class G felony up to 2 years to be served at Level V.
- (c) In the case of the conviction of any felony, the court shall impose a sentence of Level V incarceration where a minimum sentence is required by subsection (b) of this section and may impose a sentence of Level V incarceration up to the maximum stated in subsection (b) of this section for each class of felony.
- (d) Where a minimum, mandatory, mandatory minimum or minimum mandatory sentence is required by subsection (b) of this section, such sentence shall not be subject to suspension by the court.
- (e) Where no minimum sentence is required by subsection (b) of this section, or with regard to any sentence in excess of the minimum required sentence, the court may suspend that part of the sentence for probation or any other punishment set forth in § 4204 of this title.
- (f) Any term of Level V incarceration imposed under this section must be served in its entirety at Level V, reduced only for earned “good time” as set forth in § 4381 of this title.
- (g) No term of Level V incarceration imposed under this section shall be served in other than a full custodial Level V institutional setting unless such term is suspended by the court for such other level sanction.
- (h) The Department of Correction, the remainder of this section notwithstanding, may house Level V inmates at a Level IV work release center or halfway house during the last

180 days of their sentence; provided, however, that the first 5 days of any sentence to Level V, not suspended by the court, must be served at Level V.

(i) The Department of Correction, notwithstanding, may grant Level V inmates 48-hour furloughs during the last 120 days of their sentence to assist in their adjustment to the community.

(j) No sentence to Level V incarceration imposed pursuant to this section is subject to parole.

(k) In addition to the penalties set forth above, the court may impose such fines and penalties as it deems appropriate.

(l) In all sentences for less than 1 year the court may order that more than 5 days be served in Level V custodial setting before the Department may place the offender in Level IV custody.

FLORIDA

Fla. Stat. Ann. § 812.13

(1) “Robbery” means the taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear.

(2)(a) If in the course of committing the robbery the offender carried a firearm or other deadly weapon, then the robbery is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, ~~775.083~~ [fines], or s. ~~775.084~~ [recidivist].

(b) If in the course of committing the robbery the offender carried a weapon, then the robbery is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If in the course of committing the robbery the offender carried no firearm, deadly weapon, or other weapon, then the robbery is a felony of the second degree, punishable as provided in s. 775.082, s. ~~775.083~~ [fines], or s. ~~775.084~~ [recidivist].

(3)(a) An act shall be deemed “in the course of committing the robbery” if it occurs in an attempt to commit robbery or in flight after the attempt or commission.

(b) An act shall be deemed “in the course of the taking” if it occurs either prior to, contemporaneous with, or subsequent to the taking of the property and if it and the act of taking constitute a continuous series of acts or events.

Fla. Stat. Ann. § 775.082

(1)(a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(b) 1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(a).

2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of

more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(a) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a) 1. For a life felony committed before October 1, 1983, by a term of imprisonment for life or for a term of at least 30 years.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of at least 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

5. Notwithstanding subparagraphs 1.-4., a person who is convicted under s. 782.04 of an offense that was reclassified as a life felony which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is

entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

6. For a life felony committed on or after October 1, 2014, which is a violation of s. 787.06(3)(g), by a term of imprisonment for life.

(b) 1. For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

2. Notwithstanding subparagraph 1., a person convicted under s. 782.04 of a first degree felony punishable by a term of years not exceeding life imprisonment, or an offense that was reclassified as a first degree felony punishable by a term of years not exceeding life, which was committed before the person attained 18 years of age may be punished by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(c) Notwithstanding paragraphs (a) and (b), a person convicted of an offense that is not included in s. 782.04 but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(d).

(d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(e) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

- (a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;
- (b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a) 1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;
- h. Arson;

- i. Kidnapping;
- j. Aggravated assault with a deadly weapon;
- k. Aggravated battery;
- l. Aggravated stalking;
- m. Aircraft piracy;
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- o. Any felony that involves the use or threat of physical force or violence against an individual;
- p. Armed burglary;
- q. Burglary of a dwelling or burglary of an occupied structure; or
- r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5);

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.--r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- a. For a felony punishable by life, by a term of imprisonment for life;
- b. For a felony of the first degree, by a term of imprisonment of 30 years;
- c. For a felony of the second degree, by a term of imprisonment of 15 years; and
- d. For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release.

Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084 or any other provision of law.

(d) 1. It is the intent of the Legislature that offenders previously released from prison or a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

(10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but not a forcible felony as defined in s. 776.08, and excluding any third degree felony violation under chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.

(11) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

GEORGIA

Ga. Code Ann. § 16-8-40

- (a) A person commits the offense of robbery when, with intent to commit theft, he takes property of another from the person or the immediate presence of another:
- (1) By use of force;
 - (2) By intimidation, by the use of threat or coercion, or by placing such person in fear of immediate serious bodily injury to himself or to another; or
 - (3) By sudden snatching.
- (b) A person convicted of the offense of robbery shall be punished by imprisonment for not less than one nor more than 20 years.
- (c) Notwithstanding any other provision of this Code section, any person who commits the offense of robbery against a person who is 65 years of age or older shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

Ga. Code Ann. § 16-8-41

- (a) A person commits the offense of armed robbery when, with intent to commit theft, he or she takes property of another from the person or the immediate presence of another by use of an offensive weapon, or any replica, article, or device having the appearance of such weapon. The offense of robbery by intimidation shall be a lesser included offense in the offense of armed robbery.
- (b) A person convicted of the offense of armed robbery shall be punished by death or imprisonment for life or by imprisonment for not less than ten nor more than 20 years.
- (c)(1) The preceding provisions of this Code section notwithstanding, in any case in which the defendant commits armed robbery and in the course of the commission of the offense such person unlawfully takes a controlled substance from a pharmacy or a wholesale druggist and intentionally inflicts bodily injury upon any person, such facts shall be charged in the indictment or accusation and, if found to be true by the court or if admitted by the defendant, the defendant shall be punished by imprisonment for not less than 15 years.
- (2) As used in this subsection, the term:
 - (A) “Controlled substance” means a drug, substance, or immediate precursor in Schedules I through V of Code Sections 16-13-25 through 16-13-29.
 - (B) “Pharmacy” means any place licensed in accordance with Chapter 4 of Title 26 wherein the possessing, displaying, compounding, dispensing, or retailing of drugs may be conducted, including any and all portions of any building or structure leased, used, or controlled by the licensee in the conduct of the business licensed by the State Board of Pharmacy at the address for which the license was issued. The term pharmacy shall also include any building, warehouse, physician's office, or hospital used in whole or in part for the sale, storage, or dispensing of any controlled substance.
 - (C) “Wholesale druggist” means an individual, partnership, corporation, or association registered with the State Board of Pharmacy under Chapter 4 of Title 26.
- (d) Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

HAWAII

Haw. Rev. Stat. Ann. § 708-840

- (1) A person commits the offense of robbery in the first degree if, in the course of committing theft or non-consensual taking of a motor vehicle:
- (a) The person attempts to kill another or intentionally or knowingly inflicts or attempts to inflict serious bodily injury upon another;
 - (b) The person is armed with a dangerous instrument, an electric gun, or a simulated firearm and:
 - (i) The person uses force against the person of anyone present with intent to overcome that person's physical resistance or physical power of resistance; or
 - (ii) The person threatens the imminent use of force against the person of anyone present with intent to compel acquiescence to the taking of or escaping with the property;
 - (c) The person uses force against the person of anyone present with the intent to overcome that person's physical resistance or physical power of resistance during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster; or
 - (d) The person threatens the imminent use of force against the person of anyone present with intent to compel acquiescence to the taking of or escaping with the property during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster.
- (2) As used in this section:
- “Dangerous instrument” means any firearm, whether loaded or not, and whether operable or not, or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.
- “Electric gun” shall have the same meaning as in section 134-81.
- “Simulated firearm” means any object that:
- (a) Substantially resembles a firearm;
 - (b) Can reasonably be perceived to be a firearm; or
 - (c) Is used or brandished as a firearm.
- (3) Robbery in the first degree is a class A felony.

Haw. Rev. Stat. Ann. § 708-841

- (1) A person commits the offense of robbery in the second degree if, in the course of committing theft or non-consensual taking of a motor vehicle:
- (a) The person uses force against the person of anyone present with the intent to overcome that person's physical resistance or physical power of resistance;
 - (b) The person threatens the imminent use of force against the person of anyone who is present with intent to compel acquiescence to the taking of or escaping with the property; or
 - (c) The person recklessly inflicts serious bodily injury upon another.
- (2) Robbery in the second degree is a class B felony.

Haw. Rev. Stat. Ann. § 706-659

Notwithstanding part II; sections 706-605, 706-606, 706-606.5, 706-660.1, 706-661, and 706-662; and any other law to the contrary, a person who has been convicted of a class A felony, except class A felonies defined in chapter 712, part IV, or section 707-702, shall be sentenced to an indeterminate term of imprisonment of twenty years without the possibility of suspension of sentence or probation. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669. A person who has been convicted of a class A felony defined in chapter 712, part IV, or section 707-702, may be sentenced to an indeterminate term of imprisonment, except as provided for in section 706-660.1 relating to the use of firearms in certain felony offenses and section 706-606.5 relating to repeat offenders. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be twenty years. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

Haw. Rev. Stat. Ann. § 706-660

(1) Except as provided in subsection (2), a person who has been convicted of a class B or class C felony may be sentenced to an indeterminate term of imprisonment except as provided for in section 706-660.1 relating to the use of firearms in certain felony offenses and section 706-606.5 relating to repeat offenders. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (a) For a class B felony-ten years; and
- (b) For a class C felony-five years.

The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

(2) A person who has been convicted of a class B or class C felony for any offense under part IV of chapter 712 may be sentenced to an indeterminate term of imprisonment; provided that this subsection shall not apply to sentences imposed under sections 706-606.5, 706-660.1, 712-1240.5, 712-1240.8 as that section was in effect prior to July 1, 2016, 712-1242, 712-1245, 712-1249.5, 712-1249.6, 712-1249.7, and 712-1257.

When ordering a sentence under this subsection, the court shall impose a term of imprisonment, which shall be as follows:

- (a) For a class B felony--ten years or less, but not less than five years; and
- (b) For a class C felony--five years or less, but not less than one year.

The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

IDAHO

Idaho Code Ann. § 18-6501

Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

Idaho Code Ann. § 18-6503

Robbery is punishable by imprisonment in the state prison not less than five (5) years, and the imprisonment may be extended to life

ILLINOIS

720 Ill. Comp. Stat. Ann. 5/18-1

(a) Robbery. A person commits robbery when he or she knowingly takes property, except a motor vehicle covered by Section 18-3 or 18-4, from the person or presence of another by the use of force or by threatening the imminent use of force.

(b) Aggravated robbery.

(1) A person commits aggravated robbery when he or she violates subsection (a) while indicating verbally or by his or her actions to the victim that he or she is presently armed with a firearm or other dangerous weapon, including a knife, club, ax, or bludgeon. This offense shall be applicable even though it is later determined that he or she had no firearm or other dangerous weapon, including a knife, club, ax, or bludgeon, in his or her possession when he or she committed the robbery.

(2) A person commits aggravated robbery when he or she knowingly takes property from the person or presence of another by delivering (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(c) Sentence.

Robbery is a Class 2 felony, unless the victim is 60 years of age or over or is a person with a physical disability, or the robbery is committed in a school, day care center, day care home, group day care home, or part day child care facility, or place of worship, in which case robbery is a Class 1 felony. Aggravated robbery is a Class 1 felony.

(d) Regarding penalties prescribed in subsection (c) for violations committed in a day care center, day care home, group day care home, or part day child care facility, the time of day, time of year, and whether children under 18 years of age were present in the day care center, day care home, group day care home, or part day child care facility are irrelevant.

720 Ill. Comp. Stat. Ann. 5/18-2

(a) A person commits armed robbery when he or she violates Section 18-1; and

(1) he or she carries on or about his or her person or is otherwise armed with a dangerous weapon other than a firearm; or

(2) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(3) he or she, during the commission of the offense, personally discharges a firearm; or

(4) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence.

Armed robbery in violation of subsection (a)(1) is a Class X felony. A violation of subsection (a)(2) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(3) is a Class

X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

730 Ill. Comp. Stat. Ann. 5/5-4.5-25

For a Class X felony:

- (a) TERM. The sentence of imprisonment shall be a determinate sentence, subject to Section 5-4.5-115 of this Code, of not less than 6 years and not more than 30 years. The sentence of imprisonment for an extended term Class X felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall be not less than 30 years and not more than 60 years.
- (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment shall not be imposed.
- (c) IMPACT INCARCERATION. The impact incarceration program or the county impact incarceration program is not an authorized disposition.
- (d) PROBATION; CONDITIONAL DISCHARGE. A period of probation or conditional discharge shall not be imposed.
- (e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).
- (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.
- (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).
- (h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.
- (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning no credit for time spent in home detention prior to judgment.
- (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for sentence credit.
- (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
- (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 3 years upon release from imprisonment.

730 Ill. Comp. Stat. Ann. 5/5-4.5-30

For a Class 1 felony:

- (a) TERM. The sentence of imprisonment, other than for second degree murder, shall be a determinate sentence of not less than 4 years and not more than 15 years, subject to Section 5-4.5-115 of this Code. The sentence of imprisonment for second degree murder shall be a determinate sentence of not less than 4 years and not more than 20 years, subject to Section 5-4.5-115 of this Code. The sentence of imprisonment for an extended term Class 1 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall be a term not less than 15 years and not more than 30 years.

- (b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of from 3 to 4 years, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).
- (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for the impact incarceration program or the county impact incarceration program.
- (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 4 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3). In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.
- (e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).
- (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.
- (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).
- (h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.
- (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.
- (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for sentence credit.
- (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
- (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 2 years upon release from imprisonment.

730 Ill. Comp. Stat. Ann. 5/5-4.5-35

For a Class 2 felony:

- (a) TERM. The sentence of imprisonment shall be a determinate sentence of not less than 3 years and not more than 7 years. The sentence of imprisonment for an extended term Class 2 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less than 7 years and not more than 14 years.
- (b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of from 18 to 30 months, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).
- (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for the impact incarceration program or the county impact incarceration program.

(d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 4 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

(e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

(f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

(g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

(h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.

(i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.

(j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for sentence credit.

(k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.

(l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 2 years upon release from imprisonment

INDIANA

(Repealed specific carjacking statute in 2014)

Ind. Code Ann. § 35-42-5-1

(a) Except as provided in subsection (b), a person who knowingly or intentionally takes property from another person or from the presence of another person:

- (1) by using or threatening the use of force on any person; or
- (2) by putting any person in fear;

commits robbery, a Level 5 felony. However, the offense is a Level 3 felony if it is committed while armed with a deadly weapon or results in bodily injury to any person other than a defendant, and a Level 2 felony if it results in serious bodily injury to any person other than a defendant.

(b) A person who knowingly or intentionally takes a controlled substance from a pharmacist acting in an official capacity or from a pharmacy by:

- (1) using or threatening the use of force on any person; or
- (2) putting any person in fear;

commits robbery, a Level 4 felony. However, the offense is a Level 2 felony if it is committed while armed with a deadly weapon or results in bodily injury to any person other than the defendant, and the offense is a Level 1 felony if it results in serious bodily injury to any person other than the defendant.

Ind. Code Ann. § 35-50-2-4

(a) A person who commits a Class A felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) Except as provided in subsection (c), a person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) A person who commits a Level 1 felony child molesting offense described in:

- (1) IC 35-42-4-3(a)(1); or
- (2) IC 35-42-4-3(a)(3);

shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

Ind. Code Ann. § 35-50-2-4.5

A person who commits a Level 2 felony shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen and one-half (17 ½) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

Ind. Code Ann. § 35-50-2-5

(a) A person who commits a Class B felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the

advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and sixteen (16) years, with the advisory sentence being nine (9) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

Ind. Code Ann. § 35-50-2-5.5

A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being six (6) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

Ind. Code Ann. § 35-50-2-6

(a) A person who commits a Class C felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory sentence being three (3) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) Notwithstanding subsections (a) and (b), if a person commits nonsupport of a child as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014) under IC 35-46-1-5, the sentencing court may convert the Class C felony conviction to a Class D felony conviction or a Level 5 felony conviction to a Level 6 felony conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing in which the prosecuting attorney has been notified, the court makes the following findings:

- (1) The person has successfully completed probation as required by the person's sentence.
- (2) The person has satisfied other obligations imposed on the person as required by the person's sentence.
- (3) The person has paid in full all child support arrearages due that are named in the information and no further child support arrearage is due.
- (4) The person has not been convicted of another felony since the person was sentenced for the underlying nonsupport of a child felony.
- (5) There are no criminal charges pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth the following:

- (1) A statement that the person was convicted of nonsupport of a child under IC 35-46-1-5.
- (2) The date of the conviction.
- (3) The date the person completed the person's sentence.
- (4) The amount of the child support arrearage due at the time of conviction.
- (5) The date the child support arrearage was paid in full.
- (6) A verified statement that no further child support arrearage is due.
- (7) Any other obligations imposed on the person as part of the person's sentence.

- (8) The date the obligations were satisfied.
- (9) A verified statement that there are no criminal charges pending against the person.
- (e) A person whose conviction has been converted to a lower penalty under this section is eligible to seek expungement under IC 35-38-9-3 with the date of conversion used as the date of conviction to calculate time frames under IC 35-38-9.

Ind. Code Ann. § 35-50-2-11

- (a) As used in this section, “firearm” has the meaning set forth in IC 35-47-1-5.
- (b) As used in this section, “offense” means:
 - (1) a felony under IC 35-42 that resulted in death or serious bodily injury;
 - (2) kidnapping;
 - (3) criminal confinement as a Level 2 or Level 3 felony; or
 - (4) attempted murder.
- (c) As used in this section, “police officer” means any of the following:
 - (1) A state police officer.
 - (2) A county sheriff.
 - (3) A county police officer.
 - (4) A city police officer.
 - (5) A state educational institution police officer appointed under IC 21-39-4.
 - (6) A school corporation police officer appointed under IC 20-26-16.
 - (7) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.
 - (8) An enforcement officer of the alcohol and tobacco commission.
 - (9) A conservation officer.
 - (10) A gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.
 - (11) An investigator for the inspector general appointed under IC 4-2-7-2.
 - (12) A hospital police officer employed by a hospital police department established under IC 16-18-4.
- (d) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.
- (e) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony or misdemeanor other than an offense (as defined under subsection (b)) sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person, while committing the felony or misdemeanor, knowingly or intentionally:
 - (1) pointed a firearm; or
 - (2) discharged a firearm;at an individual whom the person knew, or reasonably should have known, was a police officer.
- (f) If the person was convicted of:
 - (1) the offense under subsection (d); or

(2) the felony or misdemeanor under subsection (e);
in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(g) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense under subsection (d), the court may sentence the person to an additional fixed term of imprisonment of between five (5) years and twenty (20) years.

(h) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person, while committing a felony or misdemeanor under subsection (e), knowingly or intentionally:

(1) pointed a firearm; or

(2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer, the court may sentence the person to an additional fixed term of imprisonment of between five (5) and twenty (20) years.

(i) A person may not be sentenced under subsections (g) and (h) for offenses, felonies, and misdemeanors comprising a single episode of criminal conduct.

IOWA

Iowa Code Ann. § 711.1

1. A person commits a robbery when, having the intent to commit a theft, the person does any of the following acts to assist or further the commission of the intended theft or the person's escape from the scene thereof with or without the stolen property:
 - a. Commits an assault upon another.
 - b. Threatens another with or purposely puts another in fear of immediate serious injury.
 - c. Threatens to commit immediately any forcible felony.
2. It is immaterial to the question of guilt or innocence of robbery that property was or was not actually stolen.

Iowa Code Ann. § 711.2

A person commits robbery in the first degree when, while perpetrating a robbery, the person purposely inflicts or attempts to inflict serious injury, or is armed with a dangerous weapon. Robbery in the first degree is a class “B” felony.

Iowa Code Ann. § 711.3

All robbery which is not robbery in the first degree is robbery in the second degree. Robbery in the second degree is a class “C” felony.

Iowa Code Ann. § 902.9

1. The maximum sentence for any person convicted of a felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class “A” felony shall be determined as follows:
 - a. A felon sentenced for a first conviction for a violation of section 124.401D, shall be confined for no more than ninety-nine years.
 - b. A class “B” felon shall be confined for no more than twenty-five years.
 - c. An habitual offender shall be confined for no more than fifteen years.
 - d. A class “C” felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand three hundred seventy dollars but not more than thirteen thousand six hundred sixty dollars.
 - e. A class “D” felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least one thousand twenty-five dollars but not more than ten thousand two hundred forty-five dollars.
2. The surcharges required by sections 911.1, 911.2A, and 911.5 shall be added to a fine imposed on a class “C” or class “D” felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

KANSAS

Kan. Stat. Ann. § 21-5420

- (a) Robbery is knowingly taking property from the person or presence of another by force or by threat of bodily harm to any person.
- (b) Aggravated robbery is robbery, as defined in subsection (a), when committed by a person who:
 - (1) Is armed with a dangerous weapon; or
 - (2) inflicts bodily harm upon any person in the course of such robbery.
- (c)(1) Robbery is a severity level 5, person felony.
- (2) Aggravated robbery is a severity level 3, person felony.

Kan. Stat. Ann. § 21-6804

(a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A			B			C			D			E			F			G			H			I		
Severity Level ↓	3 + Person Felonies			2 Person Felonies			1 Person & 1 Nonperson Felonies			1 Person Felony			3 + Nonperson Felonies			2 Nonperson Felonies			1 Nonperson Felony			2 + Misdemeanors			1 Misdemeanor No Record		
I	653	620	592	618	586	554	285	272	258	267	253	240	246	234	221	226	214	203	203	195	184	186	176	166	165	155	147
II	493	467	442	460	438	416	216	205	194	200	190	181	184	174	165	168	160	152	154	146	138	138	131	123	123	117	109
III	247	233	221	228	216	206	107	102	96	100	94	89	92	88	82	83	79	74	77	72	68	71	66	61	61	59	55
IV	172	162	154	162	154	144	75	71	68	69	66	62	64	60	57	59	56	52	52	50	47	48	45	42	43	41	38
V	136	130	122	128	120	114	60	57	53	55	52	50	51	49	46	47	44	41	43	41	38	38	36	34	34	32	31
VI	46	43	40	41	39	37	38	36	34	36	34	32	32	30	28	29	27	25	26	24	22	21	20	19	19	18	17
VII	34	32	30	31	29	27	29	27	25	26	24	22	23	21	19	19	18	17	17	16	15	14	13	12	13	12	11
VIII	23	21	19	20	19	18	19	18	17	17	16	15	15	14	13	13	12	11	11	10	9	11	10	9	9	8	7
IX	17	16	15	15	14	13	13	12	11	13	12	11	11	10	9	10	9	8	9	8	7	8	7	6	7	6	5
X	13	12	11	12	11	10	11	10	9	10	9	8	9	8	7	8	7	6	7	6	5	7	6	5	7	6	5

LEGEND
Presumptive Probation
Robbery Prohibited
Presumptive Imprisonment

- (b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.
- (c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.
- (d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e)(1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i)(1) The sentence for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections. Prior to imposing any sentence pursuant to this subsection, the court may consider

assigning the defendant to a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

(j)(1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, “persistent sex offender” means a person who:

(A)(i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under clause (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B)(i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under clause (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k)(1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, “criminal street gang” means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 21-36a01 through 21-36a17, prior to their transfer, any

felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a) (1) or (a)(2) or 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o)(1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved aftercare plan, if the court makes the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism;

and

(C) participation in an intensive substance abuse treatment program will serve community safety interests.

(2) A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p)(1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

(2) The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q)(1) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(A) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(B) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

- (C) the nonprison sanction will serve community safety interests by promoting offender reformation.
- (2) Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.
- (r) The sentence for a violation of K.S.A. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (s) The sentence for a violation of K.S.A. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (t)(1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.
- (2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (3) As used in this subsection, "ballistic resistant material" means any:
- (A) Commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and
- (B) homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.
- (u) The sentence for a violation of K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (w) The sentence for aggravated criminal damage to property as defined in K.S.A. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.
- (x) The sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y)(1) Except as provided in paragraph (3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 21-5111(p)(1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer's duty, or in whole or in any part because of such officer's status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B)(i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense described in paragraph (1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.

(z)(1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments thereto, or any other provision of law to the contrary, the sentence for a violation of criminal possession of a weapon by a convicted felon as defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed if the trier of fact makes a finding beyond a reasonable doubt that:

(A) The weapon the offender possessed during such violation was a firearm; and

(B) such firearm was used by the offender during the commission of any violent felony.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal. No other sentence shall be permitted.

(3) The provisions of this subsection shall not apply to an offender who is prohibited from possessing a weapon pursuant to K.S.A. 21-6304, and amendments thereto, as a result of a juvenile adjudication.

(4) As used in this subsection, "violent felony" means any of the following:

- (A) Capital murder, as defined in K.S.A. 21-5401, and amendments thereto;
 - (B) murder in the first degree, as defined in K.S.A. 21-5402, and amendments thereto;
 - (C) murder in the second degree, as defined in K.S.A. 21-5403, and amendments thereto;
 - (D) voluntary manslaughter, as defined in K.S.A. 21-5404, and amendments thereto;
 - (E) kidnapping, as defined in K.S.A. 21-5408(a)(1), and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and amendments thereto;
 - (F) aggravated assault, as defined in K.S.A. 21-5412(b)(1), and amendments thereto, and aggravated assault of a law enforcement officer, as defined in K.S.A. 21-5412(d)(1), and amendments thereto;
 - (G) aggravated battery, as defined in K.S.A. 21-5413(b)(1)(A) or (b)(1)(B), and amendments thereto, and aggravated battery against a law enforcement officer, as defined in K.S.A. 21-5413(d)(1) or (d)(2), and amendments thereto;
 - (H) mistreatment of a dependent adult or mistreatment of an elder person, as defined in K.S.A. 21-5417(a)(1), and amendments thereto;
 - (I) rape, as defined in K.S.A. 21-5503, and amendments thereto;
 - (J) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and amendments thereto;
 - (K) abuse of a child, as defined in K.S.A. 21-5602(a)(1) or (a)(3), and amendments thereto;
 - (L) any felony offense described in K.S.A. 21-5703 or 21-5705, and amendments thereto;
 - (M) treason, as defined in K.S.A. 21-5901, and amendments thereto;
 - (N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)(1), and amendments thereto;
 - (O) fleeing or attempting to elude a police officer, as defined in K.S.A. 8-1568(b), and amendments thereto;
 - (P) any felony that includes the domestic violence designation pursuant to K.S.A. 22-4616, and amendments thereto; or
 - (Q) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any felony offense defined in this subsection.
- (aa)(1) The sentence for a violation of K.S.A. 21-6308(a)(1)(A) or (a)(1)(B), and amendments thereto, if the trier of fact makes a finding beyond a reasonable doubt that the offender discharged a firearm and that the offender knew or reasonably should have known that:
- (A) A person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 60 months of imprisonment; and

(B) a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 120 months of imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(bb)(1) If the trier of fact makes a finding beyond a reasonable doubt that an offender committed any act described in K.S.A. 21-5408, 21-5409, 21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 21-5428, 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit any such act with knowledge that a woman is pregnant and with the intent that such act will compel such woman to obtain an abortion when such woman has expressed her desire to not obtain an abortion, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B)(i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

KENTUCKY

Ky. Rev. Stat. Ann. § 515.020

(1) A person is guilty of robbery in the first degree when, in the course of committing theft, he or she uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft and when he or she:

- (a) Causes physical injury to any person who is not a participant in the crime; or
- (b) Is armed with a deadly weapon; or
- (c) Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.

(2) Robbery in the first degree is a Class B felony, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony.

Ky. Rev. Stat. Ann. § 515.030

(1) A person is guilty of robbery in the second degree when, in the course of committing theft, he or she uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.

(2) Robbery in the second degree is a Class C felony, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony.

Ky. Rev. Stat. Ann. § 532.060

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.

(2) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are:

- (a) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;
 - (b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;
 - (c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and
 - (d) For a Class D felony, not less than one (1) year nor more than five (5) years.
- (3) For any felony specified in KRS Chapter 510, KRS 530.020, 530.064(1)(a), or 531.310, the sentence shall include an additional five (5) year period of postincarceration supervision which shall be added to the maximum sentence rendered for the offense. During this period of postincarceration supervision, if a defendant violates the provisions of postincarceration supervision, the defendant may be reincarcerated for:
- (a) The remaining period of his initial sentence, if any is remaining; and
 - (b) The entire period of postincarceration supervision, or if the initial sentence has been served, for the remaining period of postincarceration supervision.
- (4) In addition to the penalties provided in this section, for any person subject to a period of postincarceration supervision pursuant to KRS 532.400 his or her sentence shall

include an additional one (1) year period of postincarceration supervision following release from incarceration upon expiration of sentence if the offender is not otherwise subject to another form of postincarceration supervision. During this period of postincarceration supervision, if an offender violates the provisions of supervision, the offender may be reincarcerated for the remaining period of his or her postincarceration supervision.

(5) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

LOUISIANA

La. Stat. Ann. § 14:64

A. Armed robbery is the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, while armed with a dangerous weapon.

B. Whoever commits the crime of armed robbery shall be imprisoned at hard labor for not less than ten years and for not more than ninety-nine years, without benefit of parole, probation, or suspension of sentence.

La. Stat. Ann. § 14:64.3

A. When the dangerous weapon used in the commission of the crime of armed robbery is a firearm, the offender shall be imprisoned at hard labor for an additional period of five years without benefit of parole, probation, or suspension of sentence. The additional penalty imposed pursuant to this Subsection shall be served consecutively to the sentence imposed under the provisions of R.S. 14:64.

B. When the dangerous weapon used in the commission of the crime of attempted armed robbery is a firearm, the offender shall be imprisoned at hard labor for an additional period of five years without benefit of parole, probation, or suspension of sentence. The additional penalty imposed pursuant to this Subsection shall be served consecutively to the sentence imposed under the provisions of R.S. 14:27 and 64.

La. Stat. Ann. § 14:64.4

A. Second degree robbery is either of the following:

(1) The taking of anything of value belonging to another from the person of another or that is in the immediate control of another when the offender intentionally inflicts serious bodily injury.

(2) The taking of, or the recruiting of another person who takes, anything of value from a retail establishment that is in the immediate control of a retail employee or employer when a person acts in concert with three or more individuals for the purpose of either overwhelming the response of an employer, an employee, or law enforcement to carry out the offense, avoid detection or apprehension, or create a reasonable belief that a reasonable person would not intercede because of fear.

B. (1) Whoever commits the crime of second degree robbery shall be imprisoned at hard labor for not less than three years and for not more than forty years.

(2) Upon a second or subsequent conviction within ten years of a previous conviction, the offender shall be imprisoned at hard labor for not less than five years and not more than forty years.

(3) Any person who commits second degree robbery with a firearm shall be imprisoned at hard labor for an additional period of five years without benefit of parole, probation, or suspension of sentence. The additional penalty imposed pursuant to this Paragraph shall be served consecutively to the sentence imposed under this Subsection.

La. Stat. Ann. § 14:65

A. Simple robbery is either of the following:

(1) The taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon.

(2) The taking of anything of value when a person is part of a group of three or more individuals and the person has the intent to take anything of value from a retail establishment that is in the immediate control of a retail employee or employer and there is a reasonable belief that a reasonable person would not intercede because of fear.

B. Whoever commits the crime of simple robbery shall be fined not more than three thousand dollars, imprisoned with or without hard labor for not more than seven years, or both.

MAINE

Me. Rev. Stat. tit. 17-A, § 651

1. A person is guilty of robbery if the person commits or attempts to commit theft and at the time of the person's actions:

A. The actor recklessly inflicts bodily injury on another. Violation of this paragraph is a Class B crime;

B. The actor threatens to use force against any person present or otherwise intentionally or knowingly places any person present in fear of the imminent use of force with the intent:

(1) To prevent or overcome resistance to the taking of the property, or to the retention of the property immediately after the taking; or

(2) To compel the person in control of the property to give it up or to engage in other conduct that aids in the taking or carrying away of the property.

Violation of this paragraph is a Class B crime;

C. The actor uses physical force on another with the intent specified in paragraph B, subparagraph (1) or (2). Violation of this paragraph is a Class A crime;

D. The actor intentionally inflicts or attempts to inflict bodily injury on another. Violation of this paragraph is a Class A crime; or

E. The actor is armed with a dangerous weapon in the course of a robbery as defined in paragraphs A through D or knows that the accomplice is so armed. Violation of this paragraph is a Class A crime.

2. Repealed. Laws 2001, c. 383, § 74, eff. Jan. 31, 2003.

Me. Rev. Stat. Ann. tit. 17-A, § 1604

1. Maximum terms of imprisonment dependent on crime class. Unless a different maximum term of imprisonment is specified by statute, the maximum term of imprisonment is as follows:

A. In the case of a Class A crime, 30 years;

B. In the case of a Class B crime, 10 years;

C. In the case of a Class C crime, 5 years;

D. In the case of a Class D crime, less than one year; or

E. In the case of a Class E crime, 6 months.

2. Exceptions to maximum term of imprisonment based on crime class. Notwithstanding subsection 1:

A. In the case of the Class A crime of aggravated attempted murder, the court shall set a term of imprisonment under section 152-A, subsection 2 of life or a definite period of any term of years;

B. If the State pleads and proves that the defendant is a repeat sexual assault offender, the court may set a definite term of imprisonment under section 253-A, subsection 1 for any term of years; and

C. In the case of the Class A crime of gross sexual assault against an individual who had not yet attained 12 years of age, the court shall set a definite term of imprisonment under section 253-A, subsection 2 for any term of years.

3. Mandatory minimum term of imprisonment for crime with use of firearm against an individual. If the State pleads and proves that a Class A, B or C crime was committed

with the use of a firearm against an individual, the minimum sentence of imprisonment, which may not be suspended, is as follows:

- A. In the case of a Class A crime, 4 years;
- B. In the case of a Class B crime, 2 years; and
- C. In the case of a Class C crime, one year.

For purposes of this subsection, the applicable sentencing class is determined in accordance with subsection 5, paragraph A.

This subsection does not apply if the State pleads and proves criminal threatening or attempted criminal threatening, as defined in section 209, or terrorizing or attempted terrorizing, as defined in section 210, subsection 1, paragraph A.

4. Mandatory minimum sentence of imprisonment for certain drug crimes. For an individual convicted of violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A, except as otherwise provided in section 1125, subsections 2 and 3, the court shall impose a minimum sentence of imprisonment, which may not be suspended, as provided in section 1125, subsection 1.

5. Circumstances elevating class of crime. The following circumstances elevate the class of a crime.

A. If the State pleads and proves that a Class B, C, D or E crime was committed with the use of a dangerous weapon, then the sentencing class for such crime is one class higher than it would otherwise be. In the case of a Class A crime committed with the use of a dangerous weapon, such use must be assigned special weight by the court in exercising its sentencing discretion. This paragraph does not apply to a violation or an attempted violation of section 208, to any other offenses to which use of a dangerous weapon serves as an element or to any offense for which the sentencing class is otherwise elevated because the actor or an accomplice to that actor's or accomplice's knowledge was armed with a firearm or other dangerous weapon.

B. If the State pleads and proves that, at the time any crime under chapter 9, 11, 12, 13, 27 or 35; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or 752-F was committed, or an attempt of any such crime was committed, the individual had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding former section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or 752-F, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be.

(1) In the case of a Class A crime, the sentencing class is not elevated, but the prior record must be assigned special weight by the court when imposing a sentence.

(2) Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

This paragraph does not apply to section 210-A if the prior convictions have already served to elevate the sentencing class under section 210-A, subsection 1, paragraph C or E or any other offense in which prior convictions have already served to elevate the sentencing class.

This paragraph does not apply to murder under section 201 or to former section 853-A.

C. The sentencing class for a crime that is pled and proved and is subject to elevation pursuant to both paragraphs A and B may be elevated successively pursuant to both of those paragraphs if the crime that is pled and proved contains different class elevation factors.

6. Special weight required for certain aggravating sentencing factors pleaded and proved. In exercising its sentencing discretion, a court shall assign special weight to the following aggravating sentencing factors pleaded and proved by the State:

A. In the case of Class A gross sexual assault, the aggravating sentencing factor specified in section 253-A, subsection 3, paragraph A;

B. In the case of gross sexual assault in violation of section 253, subsection 1 or section 253, subsection 2, the aggravating sentencing factor specified in section 253-A, subsection 3, paragraph B; and

C. In the case of sexual exploitation of a minor, the aggravating sentencing factor specified in section 282, subsection 3.

7. Special weight required for certain aggravating sentencing factors found present by court. In exercising its sentencing discretion, the court shall assign special weight to the following aggravating sentencing factors if found by the court.

A. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of aggravated attempted murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained 6 years of age at the time the crime was committed, the court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd and final step in the sentencing process specified in section 1602, subsection 1, paragraph C. This paragraph may not be construed to restrict a court in setting a sentence from considering the age of the victim in other circumstances when relevant.

B. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of aggravated attempted murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a woman who the convicted individual knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed, the court shall assign special weight to this fact in determining the basic term of imprisonment as the first step in the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd and final step

in the sentencing process specified in section 1602, subsection 1, paragraph C. This paragraph may not be construed to restrict a court in setting a sentence from considering the fact that the victim was pregnant in other circumstances when relevant.

C. In imposing a sentencing alternative involving a term of imprisonment for an individual convicted of a Class C or higher crime, the victim of which was at the time of the commission of the crime in fact being stalked by that individual, the court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process specified in section 1602, subsection 1, paragraph A. The court shall assign special weight to any subjective victim impact caused by the stalking in determining the maximum term of incarceration in the 2nd step in the sentencing process specified in section 1602, subsection 1, paragraph B.

MARYLAND

Md. Code Ann., Crim. Law § 3-402

Prohibited

(a) A person may not commit or attempt to commit robbery.

Penalty

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years

Md. Code Ann., Crim. Law § 3-403

Prohibited

(a) A person may not commit or attempt to commit robbery under § 3-402 of this subtitle:

(1) with a dangerous weapon; or

(2) by displaying a written instrument claiming that the person has possession of a dangerous weapon.

Penalty

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 265, § 17

Whoever, being armed with a dangerous weapon, assaults another and robs, steals or takes from his person money or other property which may be the subject of larceny shall be punished by imprisonment in the state prison for life or for any term of years; provided, however, that any person who commits any offence described herein while masked or disguised or while having his features artificially distorted shall, for the first offence be sentenced to imprisonment for not less than five years and for any subsequent offence for not less than ten years. Whoever commits any offense described herein while armed with a firearm, shotgun, rifle, machine gun or assault weapon shall be punished by imprisonment in the state prison for not less than five years. Any person who commits a subsequent offense while armed with a firearm, shotgun, rifle, machine gun or assault weapon shall be punished by imprisonment in the state prison for not less than 15 years.

Mass. Gen. Laws Ann. ch. 265, § 19

(a) Whoever, not being armed with a dangerous weapon, by force and violence, or by assault and putting in fear, robs, steals or takes from the person of a person sixty years or older, or from his immediate control, money or other property which may be the subject of larceny, shall be punished by imprisonment in the state prison for life or for any term of years.

Whoever, after having been convicted of said crime, commits a second or subsequent such crime, shall be punished by imprisonment for not less than two years. Said sentence shall not be reduced until two years of said sentence have been served nor shall the person convicted be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served two years of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relative to the power of the court to place certain offenders on probation shall not apply to any person 18 years of age or over charged with a violation of this subsection.

(b) Whoever, not being armed with a dangerous weapon, by force and violence, or by assault and putting in fear, robs, steals or takes from the person of another, or from his immediate control, money or other property which may be the subject of larceny, shall be punished by imprisonment in the state prison for **life** or for any term of years.

MICHIGAN

Mich. Comp. Laws Ann. § 750.529

(1) A person who engages in conduct proscribed under section 530¹ and who in the course of engaging in that conduct does any of the following is guilty of armed robbery:

(a) Possesses a dangerous weapon.

(b) Possesses an article used or fashioned in a manner that would cause a reasonable person to believe the article is a dangerous weapon.

(c) Represents orally or otherwise that he or she possesses a dangerous weapon.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for life or for any term of years.

(3) If a violation of this section results in an aggravated assault of or serious injury to any other person, the person must be sentenced to a minimum term of imprisonment of not less than 2 years.

Mich. Comp. Laws Ann. § 750.530

(1) A person who, in the course of committing a larceny of any money or other property that may be the subject of larceny, uses force or violence against any person who is present, or who assaults or puts the person in fear, is guilty of a felony punishable by imprisonment for not more than 15 years.

(2) As used in this section, “in the course of committing a larceny” includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the property.

MINNESOTA

Minn. Stat. Ann. § 609.24

Whoever, having knowledge of not being entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Minn. Stat. Ann. § 609.245

Subdivision 1. First degree. Whoever, while committing a robbery, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of aggravated robbery in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 2. Second degree. Whoever, while committing a robbery, implies, by word or act, possession of a dangerous weapon, is guilty of aggravated robbery in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

MISSISSIPPI

Miss. Code. Ann. § 97-3-73

Every person who shall feloniously take the personal property of another, in his presence or from his person and against his will, by violence to his person or by putting such person in fear of some immediate injury to his person, shall be guilty of robbery.

Miss. Code. Ann. § 97-3-75

Every person convicted of robbery shall be punished by imprisonment in the penitentiary for a term not more than fifteen years.

Miss. Code. Ann. § 97-3-79

Every person who shall feloniously take or attempt to take from the person or from the presence the personal property of another and against his will by violence to his person or by putting such person in fear of immediate injury to his person by the exhibition of a deadly weapon shall be guilty of robbery and, upon conviction, shall be imprisoned for life in the state penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the state penitentiary the court shall fix the penalty at imprisonment in the state penitentiary for any term not less than three (3) years.

MISSOURI

Mo. Ann. Stat. § 570.023

1. A person commits the offense of robbery in the first degree if he or she forcibly steals property and in the course thereof he or she, or another participant in the offense:
 - (1) Causes serious physical injury to any person; or
 - (2) Is armed with a deadly weapon; or
 - (3) Uses or threatens the immediate use of a dangerous instrument against any person; or
 - (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or
 - (5) Steals any controlled substance from a pharmacy.
2. The offense of robbery in the first degree is a class A felony.

Mo. Ann. Stat. § 570.025

1. A person commits the offense of robbery in the second degree if he or she forcibly steals property and in the course thereof causes physical injury to another person.
2. The offense of robbery in the second degree is a class B felony.

Mo. Ann. Stat. § 558.011

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:
 - (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
 - (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;
 - (3) For a class C felony, a term of years not less than three years and not to exceed ten years;
 - (4) For a class D felony, a term of years not to exceed seven years;
 - (5) For a class E felony, a term of years not to exceed four years;
 - (6) For a class A misdemeanor, a term not to exceed one year;
 - (7) For a class B misdemeanor, a term not to exceed six months;
 - (8) For a class C misdemeanor, a term not to exceed fifteen days.
2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.
3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.
 - (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.
4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than

sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;
- (c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

MONTANA

Mont. Code Ann. § 45-5-401

(1) A person commits the offense of robbery if in the course of committing a theft, the person:

- (a) inflicts bodily injury upon another;
- (b) threatens to inflict bodily injury upon any person or purposely or knowingly puts any person in fear of immediate bodily injury; or
- (c) commits or threatens immediately to commit any felony other than theft.

(2) A person convicted of the offense of robbery shall be imprisoned in the state prison for a term of not less than 2 years or more than 40 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.

(3) “In the course of committing a theft”, as used in this section, includes acts that occur in an attempt to commit or in the commission of theft or in flight after the attempt or commission.

Mont. Code Ann. § 46-18-221

(1) If the provisions of 46-1-401 have been complied with, a person who has been found guilty of any offense, other than an offense in which the use of a weapon is an element of the offense, and who, while engaged in the commission of the offense, knowingly displayed, brandished, or otherwise used a firearm, destructive device, as defined in 45-8-332(1), or other dangerous weapon shall, in addition to the punishment provided for the commission of the underlying offense, be sentenced to a term of imprisonment in the state prison of not less than 2 years or more than 10 years, except as provided in 46-18-222.

(2) If the provisions of 46-1-401 have been complied with, a person convicted of a second or subsequent offense under this section shall, in addition to the punishment provided for the commission of the present offense, be sentenced to a term of imprisonment in the state prison of not less than 4 years or more than 20 years, except as provided in 46-18-222. For the purposes of this subsection, the following persons must be considered to have been convicted of a previous offense under this section:

- (a) a person who has previously been convicted of an offense, committed on a different occasion than the present offense, under 18 U.S.C. 924(c); and
- (b) a person who has previously been convicted of an offense in this or another state, committed on a different occasion than the present offense, during the commission of which the person knowingly displayed, brandished, or otherwise used a firearm, destructive device, as defined in 45-8-332(1), or other dangerous weapon.

(3) The imposition or execution of the minimum sentences prescribed by this section may not be deferred or suspended, except as provided in 46-18-222.

(4) An additional sentence prescribed by this section must run consecutively to the sentence provided for the offense.

NEBRASKA

Neb. Rev. Stat. Ann. § 28-324

(1) A person commits robbery if, with the intent to steal, he forcibly and by violence, or by putting in fear, takes from the person of another any money or personal property of any value whatever.

(2) Robbery is a Class II felony.

Neb. Rev. Stat. Ann. § 28-105

(1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into ten classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony	Death
Class IA felony	Life imprisonment
Class IB felony	Maximum--life imprisonment Minimum--twenty years imprisonment
Class IC felony	Maximum--fifty years imprisonment Mandatory minimum--five years imprisonment
Class ID felony	Maximum--fifty years imprisonment Mandatory minimum--three years imprisonment
Class II felony	Maximum--fifty years imprisonment Minimum--one year imprisonment
Class IIA felony	Maximum--twenty years imprisonment Minimum—none
Class III felony	Maximum--four years imprisonment and two years post-release supervision or twenty-five thousand dollars fine, or both Minimum--none for imprisonment and nine months post-release supervision if imprisonment is imposed
Class IIIA felony	Maximum--three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both Minimum--none for imprisonment and nine months post-release supervision if imprisonment is imposed
Class IV felony	Maximum--two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both Minimum--none for imprisonment and none for post-release supervision

(2) All sentences for maximum terms of imprisonment for one year or more for felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. All sentences for maximum terms of imprisonment of less than one year shall be served in the county jail.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222 to increase sentences for habitual criminals.

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.

(5) All sentences of post-release supervision shall be served under the jurisdiction of the Office of Probation Administration and shall be subject to conditions imposed pursuant to section 29-2262 and subject to sanctions authorized pursuant to section 29-2266.02.

(6) Any person who is sentenced to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively to imprisonment for a Class III, IIIA, or IV felony shall not be subject to post-release supervision pursuant to subsection (1) of this section.

(7) Any person who is sentenced to imprisonment for a Class III, IIIA, or IV felony committed prior to August 30, 2015, and sentenced concurrently or consecutively to imprisonment for a Class III, IIIA, or IV felony committed on or after August 30, 2015, shall not be subject to post-release supervision pursuant to subsection (1) of this section.

(8) The changes made to the penalties for Class III, IIIA, and IV felonies by Laws 2015, LB 605, do not apply to any offense committed prior to August 30, 2015, as provided in section 28-116.

NEVADA

Nev. Rev. Stat. Ann. § 200.380

1. Robbery is the unlawful taking of personal property from the person of another, or in the person's presence, against his or her will, by means of force or violence or fear of injury, immediate or future, to his or her person, or the person of a member of his or her family, or of anyone in his or her company at the time of the robbery. A taking is by means of force or fear if force or fear is used to:

- (a) Obtain or retain possession of the property;
- (b) Prevent or overcome resistance to the taking; or
- (c) Facilitate escape.

The degree of force used is immaterial if it is used to compel acquiescence to the taking of or escaping with the property. A taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

2. A person who commits robbery is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Nev. Rev. Stat. Ann. § 193.165

1. Except as otherwise provided in NRS 193.169, any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by NRS 202.375, in the commission of a crime shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. The provisions of subsections 1, 2 and 3 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

5. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

- (a) Murder;
- (b) Kidnapping in the first degree;
- (c) Sexual assault; or
- (d) Robbery.

6. As used in this section, “deadly weapon” means:

- (a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;
- (b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or
- (c) A dangerous or deadly weapon specifically described in NRS 202.255, 202.265, 202.290, 202.320 or 202.350.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. § 636:1

- I. A person commits the offense of robbery if, in the course of committing a theft, he:
 - (a) Uses physical force on the person of another and such person is aware of such force; or
 - (b) Threatens another with or purposely puts him in fear of immediate use of physical force.
- II. An act shall be deemed “in the course of committing a theft” if it occurs in an attempt to commit theft, in an effort to retain the stolen property immediately after its taking, or in immediate flight after the attempt or commission.
- III. Robbery is a class B felony, except that if the defendant:
 - (a) Was actually armed with a deadly weapon; or
 - (b) Reasonably appeared to the victim to be armed with a deadly weapon; or
 - (c) Inflicted or attempted to inflict death or serious injury on the person of another,the offense is a class A felony, except that if the defendant was actually armed with a deadly weapon, and the deadly weapon was a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.

N.H. Rev. Stat. Ann. § 651:2

- I. A person convicted of a felony or a Class A misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.
- II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:
 - (a) Fifteen years for a class A felony,
 - (b) Seven years for a class B felony,
 - (c) One year for a class A misdemeanor,
 - (d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed $\frac{1}{2}$ of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order.
- II-a. A person convicted of murder in the first degree shall be sentenced as provided in RSA 630:1-a.
- II-b. A person convicted of a second or subsequent offense for the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a minimum mandatory sentence of 3 years imprisonment. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.
- II-c. [Repealed.]
- II-d. A person convicted of manslaughter shall be sentenced as provided in RSA 630:2, II.
- II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year.

The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 and for earned time as provided in RSA 651-A:22-a. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

II-f. A person convicted of violating RSA 159:3-a, I shall be sentenced as provided in RSA 159:3-a, II and III.

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime.

II-h. A person charged with any offense under RSA 265, RSA 265-A, or RSA 630:3 whose offense was also based on facts involving the prohibited use of a mobile electronic device while driving, as defined in RSA 265:79-c, may be subject to enhanced penalties for such offenses, as follows:

(a) If the offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

(b) If the offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor.

(c) If the offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony.

(d) If the offense would otherwise constitute a class B felony, it may be charged as a class A felony.

(e) If the offense is a class A felony or an unclassified felony, there shall be no enhanced charge.

III. A person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may include monitoring by the department of corrections if deemed necessary and appropriate.

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:

(a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a class A misdemeanor, \$1,200 for a class B misdemeanor, and \$1,000 for a violation.

(b) A corporation or unincorporated association may not exceed \$100,000 for a felony, \$20,000 for a misdemeanor and \$1,000 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

(c) If a defendant has gained property through the commission of any felony, then in lieu of the amounts authorized in paragraphs (a) and (b), the fine may be an amount not to exceed double the amount of that gain.

V. (a) A person may be placed on probation if the court finds that such person is in need of the supervision and guidance that the probation service can provide under such conditions as the court may impose. The period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony and 2 years for a class A misdemeanor, provided that the court may extend or modify the period of probation in accordance with subparagraph VII(a). Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it.

(b) In cases of persons convicted of felonies or class A misdemeanors, or in cases of persons found to be habitual offenders within the meaning of RSA 259:39 and convicted of an offense under RSA 262:23, the sentence may include, as a condition of probation, confinement to a person's place of residence for not more than one year in case of a class A misdemeanor or more than 5 years in case of a felony. Such home confinement may be monitored by a probation officer and may be supplemented, as determined by the department of corrections or by the county department of corrections, by electronic monitoring to verify compliance.

(c) Upon recommendation by the department of corrections or by the county department of corrections, the court may, as a condition of probation, order an incarceration-bound offender placed in an intensive supervision program as an alternative to incarceration, under requirements and restrictions established by the department of corrections or by the county department of corrections.

(d) Upon recommendation by the department of corrections or by the county department of corrections, the court may sentence an incarceration-bound offender to a special alternative incarceration program involving short term confinement followed by intensive community supervision.

(e) The department of corrections and the various county departments of corrections shall adopt rules governing eligibility for home confinement, intensive supervision and special alternative incarceration programs.

(f) Any offender placed in a home confinement, intensive supervision or special alternative incarceration program who violates the conditions or restrictions of probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition.

(g) The court may include, as a condition of probation, restitution to the victim as provided in RSA 651:62-67 or performance of uncompensated public service as provided in RSA 651:68-70.

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may require such person to be screened and/or evaluated for risk of substance use disorders at an impaired driver care management program (IDCMP) approved by the department of health and human services, and to comply with the treatment plan developed by the IDCMP as established under RSA 265-A:40, if the evidence demonstrates that substances were a contributing factor in the commission of the offense and if such person has the ability to pay the fees for the program in full.

(i) The court may include, as a condition of probation, a jail sentence of up to 30 days that a probation/parole officer may impose in segments of one to 7 days over

the course of the probation period, in response to any violation of a condition of probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county jail facility closest to or in reasonable proximity to where the probationer is under supervision.

VI. (a) A person may be sentenced to a period of conditional discharge if such person is not imprisoned and the court is of the opinion that probationary supervision is unnecessary, but that the defendant's conduct should be according to conditions determined by the court. Such conditions may include:

- (1) Restrictions on the defendant's travel, association, place of abode, such as will protect the victim of the crime or insure the public peace;
- (2) An order requiring the defendant to attend counselling or any other mode of treatment the court deems appropriate;
- (3) Restitution to the victim; and
- (4) Performance of uncompensated public service as provided in RSA 651:68-70.

(b) The period of a conditional discharge shall be 3 years for a felony and one year for a misdemeanor or violation. However, if the court has required as a condition that the defendant make restitution or reparation to the victim of the defendant's offense or that the defendant perform uncompensated public service and that condition has not been satisfied, the court may, at any time prior to the termination of the above periods, extend the period for a felony by no more than 2 years and for a misdemeanor or violation by no more than one year in order to allow the defendant to satisfy the condition. During any period of conditional discharge the court may, upon its own motion or on petition of the defendant, discharge the defendant unconditionally if the conduct of the defendant warrants it. The court is not required to revoke a conditional discharge if the defendant commits an additional offense or violates a condition.

VI-a. [Repealed.]

VI-b. A person sentenced to conditional discharge under paragraph VI may apply for annulment of the criminal record under RSA 651:5.

VII. (a) If a probationer violates his or her probation, the court may order any of the following:

- (1) Continue the sentence of probation.
- (2) Modify the conditions of the probation.
- (3) Extend the period of probation, provided the probationer agrees to the extension and the original period of probation plus any extension shall not exceed the probation periods authorized in paragraph V.
- (4) Revoke the sentence of probation.

(b) When a sentence of probation or a conditional discharge is revoked, the probationer may be fined, as authorized by paragraph IV, if a fine was not imposed in addition to the probation or conditional discharge. Otherwise, the probationer shall be sentenced to imprisonment as authorized by paragraph II.

VIII. A person may be granted an unconditional discharge if the court is of the opinion that no proper purpose would be served by imposing any condition or supervision upon the defendant's release. A sentence of unconditional discharge is for all purposes a final judgment of conviction.

NEW JERSEY

N.J. Stat. Ann. § 2C:15-1

a. Robbery defined. A person is guilty of robbery if, in the course of committing a theft, he:

- (1) Inflicts bodily injury or uses force upon another; or
- (2) Threatens another with or purposely puts him in fear of immediate bodily injury; or
- (3) Commits or threatens immediately to commit any crime of the first or second degree.

An act shall be deemed to be included in the phrase “in the course of committing a theft” if it occurs in an attempt to commit theft or in immediate flight after the attempt or commission.

b. Grading. Robbery is a crime of the second degree, except that it is a crime of the first degree if in the course of committing the theft the actor attempts to kill anyone, or purposely inflicts or attempts to inflict serious bodily injury, or is armed with, or uses or threatens the immediate use of a deadly weapon.

N.J. Stat. Ann. § 2C:43-6

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

- (1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;
- (2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;
- (3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;
- (4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, or the court finds that the aggravating factor set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. A person who has been convicted under subsection b. or d. of N.J.S.2C:39-3, subsection a. of N.J.S.2C:39-4, subsection a. of section 1 of P.L.1998, c. 26 (C.2C:39-4.1), subsection a., b., c., or f. of N.J.S.2C:39-5, subsection a. or paragraph (2) or (3) of subsection b. of section 6 of P.L.1979, c. 179 (C.2C:39-7), or subsection a., b., e. or g. of N.J.S.2C:39-9, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall

include the imposition of a minimum term. The minimum term shall be fixed at one-half of the sentence imposed by the court or 42 months, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. (1) The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

(2) The court shall not impose a mandatory sentence pursuant to subsection c. of this section for a violation of paragraph (2) of subsection b. of N.J.S.2C:39-5; a violation of paragraph (2) of subsection c. of N.J.S.2C:39-5, if that rifle or shotgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person; or a violation of paragraph (1) of subsection c. of N.J.S.2C:39-5.

e. A person convicted of a third or subsequent offense involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any other provision of this code, or under any of the provisions of Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be sentenced to a term of imprisonment by the court. This shall not preclude an application for and imposition of an extended term of imprisonment under N.J.S.2C:44-3 if the provisions of that section are applicable to the offender.

f. A person convicted of manufacturing, distributing, dispensing or possessing with intent to distribute any dangerous substance or controlled substance analog under N.J.S.2C:35-5, of maintaining or operating a controlled dangerous substance production facility under N.J.S.2C:35-4, of employing a juvenile in a drug distribution scheme under N.J.S.2C:35-6, leader of a narcotics trafficking network under N.J.S.2C:35-3, or of distributing, dispensing or possessing with intent to distribute on or near school property or buses under section 1 of P.L.1987, c. 101 (C.2C:35-7), who has been previously convicted of manufacturing, distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog, shall upon application of the prosecuting attorney be sentenced by the court to an extended term as authorized by

subsection c. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court. The term of imprisonment shall, except as may be provided in N.J.S.2C:35-12, include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, not less than seven years if the person is convicted of a violation of N.J.S.2C:35-6, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The court shall not impose an extended term pursuant to this subsection unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish the ground therefor by a preponderance of the evidence. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

For the purpose of this subsection, a previous conviction exists where the actor has at any time been convicted under chapter 35 of this title or Title 24 of the Revised Statutes or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of P.L.1987, c. 101 (C.2C:35-7).

g. Any person who has been convicted under subsection a. of N.J.S.2C:39-4 or of a crime under any of the following sections: N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5, N.J.S.2C:35-5 who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a machine gun or assault firearm shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at 10 years for a crime of the first or second degree, five years for a crime of the third degree, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for crimes of the first degree.

A person who has been convicted of an offense enumerated in this subsection and who used or possessed a machine gun or assault firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of any firearm as defined in subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an extended term as authorized by subsection d. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court.

h. The court shall not impose a mandatory sentence pursuant to subsection g. of this section, subsection d. of N.J.S.2C:43-7 or N.J.S.2C:44-3, unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a machine gun or assault firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

i. A person who has been convicted under paragraph (6) of subsection b. of 2C:12-1 of causing bodily injury while eluding shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between one-third and one-half of the sentence imposed by the court. The minimum term established by this subsection shall not prevent the court from imposing a presumptive term of imprisonment pursuant to paragraph (1) of subsection f. of 2C:44-1.

NEW MEXICO

N.M. Stat. Ann. § 30-16-2

Robbery consists of the theft of anything of value from the person of another or from the immediate control of another, by use or threatened use of force or violence.

Whoever commits robbery is guilty of a third degree felony.

Whoever commits robbery while armed with a deadly weapon is, for the first offense, guilty of a second degree felony and, for second and subsequent offenses, is guilty of a first degree felony.

N.M. Stat. Ann. § 31-18-15

A. As used in a statute that establishes a noncapital felony, the following defined felony classifications and associated basic sentences of imprisonment are as follows:

FELONY CLASSIFICATION	BASIC SENTENCE
first degree felony resulting in the death of a child	life imprisonment
first degree felony for aggravated criminal sexual penetration	life imprisonment
first degree felony	eighteen years imprisonment
second degree felony resulting in the death of a human being	fifteen years imprisonment
second degree felony for a sexual offense against a child	fifteen years imprisonment
second degree felony for sexual exploitation of children	twelve years imprisonment
second degree felony	nine years imprisonment
third degree felony resulting in the death of a human being	six years imprisonment
third degree felony for a sexual offense against a child	six years imprisonment
third degree felony for sexual exploitation of children	eleven years imprisonment
third degree felony	three years imprisonment
fourth degree felony for sexual exploitation of children	ten years imprisonment
fourth degree felony	eighteen months imprisonment

B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted and sentenced pursuant to Subsection A of this section, unless the court alters the sentence pursuant to the provisions of the Criminal Sentencing Act.

C. A period of parole shall be imposed only for felony convictions wherein a person is sentenced to imprisonment of more than one year, unless the parties to a proceeding agree that a period of parole should be imposed. If a period of parole is imposed, the court shall include in the judgment and sentence of each person convicted and sentenced to imprisonment in a corrections facility designated by the corrections department authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978 after the completion of any actual time of imprisonment and authority to require, as a condition of parole, the payment of the costs of parole services and reimbursement to a law enforcement agency or local crime stopper program in accordance with the provisions of that section. If imposed, the period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant to Subsection A of this section together with alterations, if any, pursuant to the provisions of the Criminal Sentencing Act.

D. When a court imposes a sentence of imprisonment pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978 and suspends or defers the basic sentence of imprisonment provided pursuant to the provisions of Subsection A of this section, the period of parole shall be served in accordance with the provisions of Section 31-21-10 NMSA 1978 for the degree of felony for the basic sentence for which the inmate was convicted. For the purpose of designating a period of parole, a court shall not consider that the basic sentence of imprisonment was suspended or deferred and that the inmate served a period of imprisonment pursuant to the provisions of the Criminal Sentencing Act.

E. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed:

- (1) for a first degree felony resulting in the death of a child, seventeen thousand five hundred dollars (\$17,500);
- (2) for a first degree felony for aggravated criminal sexual penetration, seventeen thousand five hundred dollars (\$17,500);
- (3) for a first degree felony, fifteen thousand dollars (\$15,000);
- (4) for a second degree felony resulting in the death of a human being, twelve thousand five hundred dollars (\$12,500);
- (5) for a second degree felony for a sexual offense against a child, twelve thousand five hundred dollars (\$12,500);
- (6) for a second degree felony for sexual exploitation of children, five thousand dollars (\$5,000);
- (7) for a second degree felony, ten thousand dollars (\$10,000);
- (8) for a third degree felony resulting in the death of a human being, five thousand dollars (\$5,000);
- (9) for a third degree felony for a sexual offense against a child, five thousand dollars (\$5,000);
- (10) for a third degree felony for sexual exploitation of children, five thousand dollars (\$5,000);
- (11) for a third or fourth degree felony, five thousand dollars (\$5,000); or

(12) for a fourth degree felony for sexual exploitation of children, five thousand dollars (\$5,000).

F. When the court imposes a sentence of imprisonment for a felony offense, the court shall indicate whether or not the offense is a serious violent offense as defined in Section 33-2-34 NMSA 1978. The court shall inform an offender that the offender's sentence of imprisonment is subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. If the court fails to inform an offender that the offender's sentence is subject to those provisions or if the court provides the offender with erroneous information regarding those provisions, the failure to inform or the error shall not provide a basis for a writ of habeas corpus.

G. No later than October 31 of each year, the New Mexico sentencing commission shall provide a written report to the secretary of corrections, all New Mexico criminal court judges, the administrative office of the district attorneys and the chief public defender. The report shall specify the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses, as defined in Section 33-2-34 NMSA 1978, due to meritorious deductions earned by prisoners during the previous fiscal year pursuant to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. The corrections department shall allow the commission access to documents used by the department to determine earned meritorious deductions for prisoners.

N.M. Stat. Ann. § 31-18-16

A. When a separate finding of fact by the court or jury shows that a firearm was used in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense [first and second degree robbery], the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by one year, except that when the offender is a serious youthful offender or a youthful offender who received an adult sentence, the sentence imposed by this subsection may be increased by one year.

B. When a separate finding of fact by the court or jury shows that a firearm was brandished in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by three years, except that when the offender is a serious youthful offender or a youthful offender that received an adult sentence, the sentence imposed by this subsection may be increased by one year.

C. When a separate finding of fact by the court or jury shows that a firearm was discharged in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by five years, except that when the offender is a serious youthful offender or a youthful offender who received an adult sentence, the sentence imposed by this subsection may be increased by three years.

D. For a second or subsequent offense, when a separate finding of fact by the court or jury shows that a firearm was used, brandished, or discharged in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the sentence shall be increased by five years,

except that when the offender is a serious youthful offender or a youthful offender, the sentence imposed by this section may be increased by three years.

E. If the case is tried before a jury and if a prima facie case has been established showing that a firearm was used, brandished or discharged in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court, the court shall decide the issue and shall make a separate finding of fact thereon.

F. When a separate finding of fact by the court or jury shows that a firearm was used, brandished or discharged in relation to a drug transaction or during the commission of aggravated burglary pursuant to Section 30-16-4 NMSA 1978 or a serious violent offense, the firearm is subject to seizure and forfeiture as an instrumentality pursuant to the provisions of the Forfeiture Act.

G. As used in this section:

(1) “brandished” means displaying or making a firearm known to another person while the firearm is present on the person of the offending party with intent to intimidate or injure a person;

(2) “in relation to a drug transaction” means participating or attempting to participate in the trafficking of a controlled substance pursuant to Section 30-31-20 NMSA 1978, distribution of a controlled substance to a minor pursuant to Section 30-31-21 NMSA 1978 or distribution of a controlled or counterfeit substance pursuant to Section 30-31-22 NMSA 1978 as a seller, purported seller or as an accomplice; and

(3) “serious violent offense” means an offense enumerated in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978.

NEW YORK

N.Y. Penal Law § 160.00

Robbery is forcible stealing. A person forcibly steals property and commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of:

1. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
2. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.

N.Y. Penal Law § 160.05

A person is guilty of robbery in the third degree when he forcibly steals property. Robbery in the third degree is a class D felony.

N.Y. Penal Law § 160.10

A person is guilty of robbery in the second degree when he forcibly steals property and when:

1. He is aided by another person actually present; or
2. In the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:
 - (a) Causes physical injury to any person who is not a participant in the crime; or
 - (b) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
3. The property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law.

Robbery in the second degree is a class C felony.

N.Y. Penal Law § 160.15

A person is guilty of robbery in the first degree when he forcibly steals property and when, in the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:

1. Causes serious physical injury to any person who is not a participant in the crime; or
2. Is armed with a deadly weapon; or
3. Uses or threatens the immediate use of a dangerous instrument; or
4. Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; except that in any prosecution under this subdivision, it is an affirmative defense that such pistol, revolver, rifle, shotgun, machine gun or other firearm was not a loaded weapon from which a shot, readily capable of producing death or other serious physical injury, could be discharged. Nothing contained in this subdivision shall constitute a defense to a prosecution for, or preclude a conviction of, robbery in the second degree, robbery in the third degree or any other crime.

Robbery in the first degree is a class B felony.

N.Y. Penal Law § 70.00

1. [Eff. until Sept. 1, 2025, pursuant to L.1995, c. 3, § 74, subd. d. See, also, subd. 1 below.] Indeterminate sentence. Except as provided in subdivisions four, five and six of

this section or section 70.80 of this article, a sentence of imprisonment for a felony, other than a felony defined in article two hundred twenty or two hundred twenty-one of this chapter, shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subdivision two of this section and the minimum period of imprisonment shall be as provided in subdivision three of this section.

1. [Eff. Sept. 1, 2025. See, also, subd. 1, above.] Indeterminate sentence. Except as provided in subdivisions four and five of this section or section 70.80 of this article, a sentence of imprisonment for a felony, other than a felony defined in article two hundred twenty or two hundred twenty-one of this chapter, shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subdivision two of this section and the minimum period of imprisonment shall be as provided in subdivision three of this section.

2. Maximum term of sentence. The maximum term of an indeterminate sentence shall be at least three years and the term shall be fixed as follows:

- (a) For a class A felony, the term shall be life imprisonment;
- (b) For a class B felony, the term shall be fixed by the court, and shall not exceed twenty-five years;
- (c) For a class C felony, the term shall be fixed by the court, and shall not exceed fifteen years;
- (d) For a class D felony, the term shall be fixed by the court, and shall not exceed seven years; and
- (e) For a class E felony, the term shall be fixed by the court, and shall not exceed four years.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence shall be at least one year and shall be fixed as follows:

- (a) In the case of a class A felony, the minimum period shall be fixed by the court and specified in the sentence.
 - (i) For a class A-I felony, such minimum period shall not be less than fifteen years nor more than twenty-five years; provided, however, that (A) where a sentence, other than a sentence of death or life imprisonment without parole, is imposed upon a defendant convicted of murder in the first degree as defined in section 125.27 of this chapter such minimum period shall be not less than twenty years nor more than twenty-five years, and, (B) where a sentence is imposed upon a defendant convicted of murder in the second degree as defined in subdivision five of section 125.25 of this chapter or convicted of aggravated murder as defined in section 125.26 of this chapter, the sentence shall be life imprisonment without parole, and, (C) where a sentence is imposed upon a defendant convicted of attempted murder in the first degree as defined in article one hundred ten of this chapter and subparagraph (i), (ii) or (iii) of paragraph (a) of subdivision one and paragraph (b) of subdivision one of section 125.27 of this chapter or attempted aggravated murder as defined in article one hundred ten of this chapter and section 125.26 of this chapter such minimum period shall be not less than twenty years nor more than forty years.

(ii) For a class A-II felony, such minimum period shall not be less than three years nor more than eight years four months, except that for the class A-II felony of predatory sexual assault as defined in section 130.95 of this chapter or the class A-II felony of predatory sexual assault against a child as defined in section 130.96 of this chapter, such minimum period shall be not less than ten years nor more than twenty-five years.

(b) For any other felony, the minimum period shall be fixed by the court and specified in the sentence and shall be not less than one year nor more than one-third of the maximum term imposed.

4. Alternative definite sentence for class D and E felonies. When a person, other than a second or persistent felony offender, is sentenced for a class D or class E felony, and the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose an indeterminate or determinate sentence, the court may impose a definite sentence of imprisonment and fix a term of one year or less.

5. Life imprisonment without parole. Notwithstanding any other provision of law, a defendant sentenced to life imprisonment without parole shall not be or become eligible for parole or conditional release. For purposes of commitment and custody, other than parole and conditional release, such sentence shall be deemed to be an indeterminate sentence. A defendant may be sentenced to life imprisonment without parole upon conviction for the crime of murder in the first degree as defined in section 125.27 of this chapter and in accordance with the procedures provided by law for imposing a sentence for such crime. A defendant who was eighteen years of age or older at the time of the commission of the crime must be sentenced to life imprisonment without parole upon conviction for the crime of terrorism as defined in section 490.25 of this chapter, where the specified offense the defendant committed is a class A-I felony; the crime of criminal possession of a chemical weapon or biological weapon in the first degree as defined in section 490.45 of this chapter; or the crime of criminal use of a chemical weapon or biological weapon in the first degree as defined in section 490.55 of this chapter; provided, however, that nothing in this subdivision shall preclude or prevent a sentence of death when the defendant is also convicted of the crime of murder in the first degree as defined in section 125.27 of this chapter. A defendant who was seventeen years of age or younger at the time of the commission of the crime may be sentenced, in accordance with law, to the applicable indeterminate sentence with a maximum term of life imprisonment. A defendant must be sentenced to life imprisonment without parole upon conviction for the crime of murder in the second degree as defined in subdivision five of section 125.25 of this chapter or for the crime of aggravated murder as defined in subdivision one of section 125.26 of this chapter. A defendant may be sentenced to in subdivision two of section 125.26 of this chapter.

6. [Deemed repealed Sept. 1, 2025, pursuant to L.1995, c. 3, § 74, subd. d.] Determinate sentence. Except as provided in subdivision four of this section and subdivisions two and four of section 70.02, when a person is sentenced as a violent felony offender pursuant to section 70.02 or as a second violent felony offender pursuant to section 70.04 or as a second felony offender on a conviction for a violent felony offense pursuant to section 70.06, the court must impose a determinate sentence of imprisonment in accordance with

the provisions of such sections and such sentence shall include, as a part thereof, a period of post-release supervision in accordance with section 70.45.

N.Y. Penal Law § 70.02

1. Definition of a violent felony offense. A violent felony offense is a class B violent felony offense, a class C violent felony offense, a class D violent felony offense, or a class E violent felony offense, defined as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, a crime formerly defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75, assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, firefighter or emergency medical services professional as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, strangulation in the first degree as defined in section 121.13, aggravated strangulation as defined in section 121.13-a, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, aggravated criminal possession of a weapon as defined

in section 265.19, soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, a crime formerly defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18, and criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50.

(d) Class E violent felony offenses: an attempt to commit any of the felonies of criminal possession of a weapon in the third degree as defined in subdivision five, six, seven or eight of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law, persistent sexual abuse as defined in section 130.53, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, falsely reporting an incident in the second degree as defined in section 240.55 and placing a false bomb or hazardous substance in the second degree as defined in section 240.61.

2. Authorized sentence.

(a) [Eff. until Sept. 1, 2025, pursuant to L.1995, c. 3, § 74, par. d. See, also, par. (a) below.] Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of a class B or class C violent felony offense must be a determinate sentence of imprisonment which shall be in whole or half years. The term of such sentence must be in accordance with the provisions of subdivision three of this section.

(a) [Eff. Sept. 1, 2025. See, also, par. (a) above.] The sentence imposed upon a person who stands convicted of a class B or class C violent felony offense must

be an indeterminate sentence of imprisonment. Except as provided in subdivision five¹ of section 60.05, the maximum term of such sentence must be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be in accordance with subdivision four of this section.

(b) Except as provided in paragraph (b-1) of this subdivision, subdivision six of section 60.05 and subdivision four of this section, the sentence imposed upon a person who stands convicted of a class D violent felony offense, other than the offense of criminal possession of a weapon in the third degree as defined in subdivision five, seven or eight of section 265.02 or criminal sale of a firearm in the third degree as defined in section 265.11, must be in accordance with the applicable provisions of this chapter relating to sentencing for class D felonies provided, however, that where a sentence of imprisonment is imposed which requires a commitment to the state department of corrections and community supervision, such sentence shall be a determinate sentence in accordance with paragraph (c) of subdivision three of this section.

(b-1) Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offense of menacing a police officer or peace officer as defined in section 120.18 of this chapter must be a determinate sentence of imprisonment.

c. Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, the class E violent felonies of attempted criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02, or criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50 must be a sentence to a determinate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

- (i) the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record that such sentence would be unduly harsh and that the alternative sentence would be consistent with public safety and does not deprecate the seriousness of the crime; and
- (ii) the court may apply the provisions of paragraphs (b) and (c) of subdivision four of this section when imposing a sentence upon a person who has previously been convicted of a class A misdemeanor defined in this chapter in the five years immediately preceding the commission of the offense.

3. Term of sentence. The term of a determinate sentence for a violent felony offense must be fixed by the court as follows:

(a) For a class B felony, the term must be at least five years and must not exceed twenty-five years, provided, however, that the term must be: (i) at least ten years and must not exceed thirty years where the sentence is for the crime of aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; and (ii) at least ten years and must not exceed thirty years where the sentence is for the crime of aggravated manslaughter in the first degree as defined in section 125.22 of this chapter;

(b) For a class C felony, the term must be at least three and one-half years and must not exceed fifteen years, provided, however, that the term must be: (i) at least seven years and must not exceed twenty years where the sentence is for the crime of aggravated manslaughter in the second degree as defined in section 125.21 of this chapter; (ii) at least seven years and must not exceed twenty years where the sentence is for the crime of attempted aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; (iii) at least three and one-half years and must not exceed twenty years where the sentence is for the crime of aggravated criminally negligent homicide as defined in section 125.11 of this chapter; and (iv) at least five years and must not exceed fifteen years where the sentence is imposed for the crime of aggravated criminal possession of a weapon as defined in section 265.19 of this chapter;

(c) For a class D felony, the term must be at least two years and must not exceed seven years, provided, however, that the term must be: (i) at least two years and must not exceed eight years where the sentence is for the crime of menacing a police officer or peace officer as defined in section 120.18 of this chapter; and (ii) at least three and one-half years and must not exceed seven years where the sentence is imposed for the crime of criminal possession of a weapon in the third degree as defined in subdivision ten of section 265.02 of this chapter;

(d) For a class E felony, the term must be at least one and one-half years and must not exceed four years.

4. (a) Except as provided in paragraph (b) of this subdivision, where a plea of guilty to a class D violent felony offense is entered pursuant to section 220.10 or 220.30 of the criminal procedure law in satisfaction of an indictment charging the defendant with an armed felony, as defined in subdivision forty-one of section 1.20 of the criminal procedure law, the court must impose a determinate sentence of imprisonment.

(b) In any case in which the provisions of paragraph (a) of this subdivision or the provisions of subparagraph (ii) of paragraph (c) of subdivision two of this section apply, the court may impose a sentence other than a determinate sentence of imprisonment, or a definite sentence of imprisonment for a period of no less than one year, if it finds that the alternate sentence is consistent with public safety and does not deprecate the seriousness of the crime and that one or more of the following factors exist:

(i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or

(ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or

(iii) possible deficiencies in proof of the defendant's commission of an armed felony.

(c) The defendant and the district attorney shall have an opportunity to present relevant information to assist the court in making a determination pursuant to paragraph (b) of this subdivision, and the court may, in its discretion, conduct a hearing with respect to any issue bearing upon such determination. If the court determines that a determinate sentence of imprisonment should not be imposed pursuant to the provisions of such paragraph (b), it shall make a statement on the record of the facts and circumstances upon which such determination is based. A transcript of the court's statement, which shall set forth the recommendation of the district attorney, shall be forwarded to the state division of criminal justice services along with a copy of the accusatory instrument.

5. Renumbered.

NORTH CAROLINA

N.C. Gen. Stat. Ann. § 14-87

(a) Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime, shall be guilty of a Class D felony.

(a1) Attempted robbery with a dangerous weapon shall constitute a lesser included offense of robbery with a dangerous weapon, and evidence sufficient to prove robbery with a dangerous weapon shall be sufficient to support a conviction of attempted robbery with a dangerous weapon.

(b), (c) Repealed by Laws 1979, c. 760, § 5.

(d) Repealed by Laws 1993, c. 539, § 1173, eff. Oct. 1, 1994.

N.C. Gen. Stat. Ann. § 14-87.1

Robbery as defined at common law, other than robbery with a firearm or other dangerous weapon as defined by G.S. 14-87, shall be punishable as a Class G felony.

N.C. Gen. Stat. Ann. § 15A-1340.17

(a) Offense Classification; Default Classifications.--The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines.--Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described.--The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

(1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.

(2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.

(3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.

(4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I	II	III	IV	V	VI	
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts	
A	Life Imprisonment With Parole or Without Parole, or Death, as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	276-345	317-397	365-456	Life Imprisonment Without Parole		Aggravated
B1	192-240	221-276	254-317	292-365	336-420	386-483	PRESUMPTIVE
	144-192	166-221	190-254	219-292	252-336	290-386	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	180-225	207-258	238-297	273-342	314-393	Aggravated
B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE
	94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
	A	A	A	A	A	A	DISPOSITION
	73-92	83-104	96-120	110-138	127-159	146-182	Aggravated
C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
	44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
	A	A	A	A	A	A	DISPOSITION
	64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
	38-51	44-59	51-67	58-78	67-89	77-103	Mitigated
	I/A	I/A	A	A	A	A	DISPOSITION
	25-31	29-36	33-41	38-48	44-55	50-63	Aggravated
E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
	15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
	I/A	I/A	I/A	A	A	A	DISPOSITION
	16-20	19-23	21-27	25-31	28-36	33-41	Aggravated
F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
	10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
	I/A	I/A	I/A	I/A	A	A	DISPOSITION

	13-16	14-18	17-21	19-24	22-27	25-31	Aggravated
G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
	8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
	C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
	6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
	4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
	C	C/I	I	I/A	I/A	I/A	DISPOSITION
	6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
	3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

(d) Maximum Sentences Specified for Class F through Class I Felonies.--Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class F through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

3-13	4-14	5-15	6-17	7-18	8-19	9-20	10-21
11-23	12-24	13-25	14-26	15-27	16-29	17-30	18-31
19-32	20-33	21-35	22-36	23-37	24-38	25-39	26-41
27-42	28-43	29-44	30-45	31-47	32-48	33-49	34-50
35-51	36-53	37-54	38-55	39-56	40-57	41-59	42-60
43-61	44-62	45-63	46-65	47-66	48-67	49-68	

(e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months.--Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.

15-30	16-32	17-33	18-34	19-35	20-36	21-38	22-39
23-40	24-41	25-42	26-44	27-45	28-46	29-47	30-48
31-50	32-51	33-52	34-53	35-54	36-56	37-57	38-58
39-59	40-60	41-62	42-63	43-64	44-65	45-66	46-68
47-69	48-70	49-71	50-72	51-74	52-75	53-76	54-77
55-78	56-80	57-81	58-82	59-83	60-84	61-86	62-87
63-88	64-89	65-90	66-92	67-93	68-94	69-95	70-96
71-98	72-99	73-100	74-101	75-102	76-104	77-105	78-106
79-107	80-108	81-110	82-111	83-112	84-113	85-114	86-116
87-117	88-118	89-119	90-120	91-122	92-123	93-124	94-125

95-126	96-128	97-129	98-130	99-131	100-132	101-134	102-135
103-136	104-137	105-138	106-140	107-141	108-142	109-143	110-144
111-146	112-147	113-148	114-149	115-150	116-152	117-153	118-154
119-155	120-156	121-158	122-159	123-160	124-161	125-162	126-164
127-165	128-166	129-167	130-168	131-170	132-171	133-172	134-173
135-174	136-176	137-177	138-178	139-179	140-180	141-182	142-183
143-184	144-185	145-186	146-188	147-189	148-190	149-191	150-192
151-194	152-195	153-196	154-197	155-198	156-200	157-201	158-202
159-203	160-204	161-206	162-207	163-208	164-209	165-210	166-212
167-213	168-214	169-215	170-216	171-218	172-219	173-220	174-221
175-222	176-224	177-225	178-226	179-227	180-228	181-230	182-231
183-232	184-233	185-234	186-236	187-237	188-238	189-239	190-240
191-242	192-243	193-244	194-245	195-246	196-248	197-249	198-250
199-251	200-252	201-254	202-255	203-256	204-257	205-258	206-260
207-261	208-262	209-263	210-264	211-266	212-267	213-268	214-269
215-270	216-272	217-273	218-274	219-275	220-276	221-278	222-279
223-280	224-281	225-282	226-284	227-285	228-286	229-287	230-288
231-290	232-291	233-292	234-293	235-294	236-296	237-297	238-298
239-299	240-300	241-302	242-303	243-304	244-305	245-306	246-308
247-309	248-310	249-311	250-312	251-314	252-315	253-316	254-317
255-318	256-320	257-321	258-322	259-323	260-324	261-326	262-327
263-328	264-329	265-330	266-332	267-333	268-334	269-335	270-336
271-338	272-339	273-340	274-341	275-342	276-344	277-345	278-346
279-347	280-348	281-350	282-351	283-352	284-353	285-354	286-356
287-357	288-358	289-359	290-360	291-362	292-363	293-364	294-365
295-366	296-368	297-369	298-370	299-371	300-372	301-374	302-375
303-376	304-377	305-378	306-380	307-381	308-382	309-383	310-384
311-386	312-387	313-388	314-389	315-390	316-392	317-393	318-394
319-395	320-396	321-398	322-399	323-400	324-401	325-402	326-404
327-405	328-406	329-407	330-408	331-410	332-411	333-412	334-413
335-414	336-416	337-417	338-418	339-419.			

(e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms of 340 Months or More.--Unless provided otherwise in a statute establishing a punishment for a specific crime, when the minimum sentence is 340 months or more, the corresponding maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus 12 additional months.

(f) Maximum Sentences Specified for Class B1 Through Class E Sex Offenses.--Unless provided otherwise in a statute establishing a punishment for a specific crime, for offenders sentenced for a Class B1 through E felony that is a reportable conviction

subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes, the maximum term of imprisonment shall be equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to the next highest month, plus 60 additional months.

NORTH DAKOTA

N.D. Cent. Code Ann. § 12.1-22-01

1. A person is guilty of robbery if, in the course of committing a theft, he inflicts or attempts to inflict bodily injury upon another or threatens or menaces another with imminent bodily injury.
2. Robbery is a class A felony if the actor fires a firearm or explodes or hurls a destructive device or directs the force of any other dangerous weapon against another. Robbery is a class B felony if the robber possesses or pretends to possess a firearm, destructive device, or other dangerous weapon, or menaces another with serious bodily injury, or inflicts bodily injury upon another, or is aided by an accomplice actually present. Otherwise robbery is a class C felony.
3. In this section:
 - a. An act shall be deemed “in the course of committing a theft” if it occurs in an attempt to commit theft, whether or not the theft is successfully completed, or in immediate flight from the commission of, or an unsuccessful effort to commit, the theft.
 - b. “Dangerous weapon” means a weapon defined in subsection 6 of section 12.1-01-04 or a weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury.

N.D. Cent. Code Ann. § 12.1-32-01

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment without parole may be imposed. The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony and who receives a sentence of life imprisonment with parole, shall not be eligible to have that person's sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after that person's admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
4. Class C felony, for which a maximum penalty of five years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
5. Class A misdemeanor, for which a maximum penalty of imprisonment for three hundred sixty days, a fine of three thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.
7. Infraction, for which a maximum fine of one thousand dollars may be imposed. Any person convicted of an infraction who, within one year before commission of the infraction of which the person was convicted, has been convicted previously at least twice of the same offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is

punishable as a class B misdemeanor, the complaint must specify the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under section 12.1-32-09, relating to extended sentences.

OHIO

Ohio Rev. Code Ann. § 2911.02

(A) No person, in attempting or committing a theft offense or in fleeing immediately after the attempt or offense, shall do any of the following:

- (1) Have a deadly weapon on or about the offender's person or under the offender's control;
- (2) Inflict, attempt to inflict, or threaten to inflict physical harm on another;
- (3) Use or threaten the immediate use of force against another.

(B) Whoever violates this section is guilty of robbery. A violation of division (A)(1) or (2) of this section is a felony of the second degree. A violation of division (A)(3) of this section is a felony of the third degree.

(C) As used in this section:

- (1) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.
- (2) "Theft offense" has the same meaning as in section 2913.01 of the Revised Code.

Ohio Rev. Code Ann. § 2911.01

(A) No person, in attempting or committing a theft offense, as defined in section 2913.01 of the Revised Code, or in fleeing immediately after the attempt or offense, shall do any of the following:

- (1) Have a deadly weapon on or about the offender's person or under the offender's control and either display the weapon, brandish it, indicate that the offender possesses it, or use it;
- (2) Have a dangerous ordnance on or about the offender's person or under the offender's control;
- (3) Inflict, or attempt to inflict, serious physical harm on another.

(B) No person, without privilege to do so, shall knowingly remove or attempt to remove a deadly weapon from the person of a law enforcement officer, or shall knowingly deprive or attempt to deprive a law enforcement officer of a deadly weapon, when both of the following apply:

- (1) The law enforcement officer, at the time of the removal, attempted removal, deprivation, or attempted deprivation, is acting within the course and scope of the officer's duties;
- (2) The offender knows or has reasonable cause to know that the law enforcement officer is a law enforcement officer.

(C) Whoever violates this section is guilty of aggravated robbery, a felony of the first degree.

(D) As used in this section:

- (1) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.
- (2) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code and also includes employees of the department of rehabilitation and correction who are authorized to carry weapons within the course and scope of their duties.

Ohio Rev. Code Ann. § 2929.14

(A) Except as provided in division (B)(1), (B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), (B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or in division (D)(6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

(1)(a) For a felony of the first degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.

(b) For a felony of the first degree committed prior to March 22, 2019, the prison term shall be a definite prison term of three, four, five, six, seven, eight, nine, ten, or eleven years.

(2)(a) For a felony of the second degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of two, three, four, five, six, seven, or eight years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.

(b) For a felony of the second degree committed prior to March 22, 2019, the prison term shall be a definite term of two, three, four, five, six, seven, or eight years.

(3)(a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised Code, that is a violation of division (A) of section 4511.19 of the Revised Code if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of that section that was a felony, or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the prison term shall be a definite term of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months.

- (b) For a felony of the third degree that is not an offense for which division (A)(3)(a) of this section applies, the prison term shall be a definite term of nine, twelve, eighteen, twenty-four, thirty, or thirty-six months.
- (4) For a felony of the fourth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.
- (5) For a felony of the fifth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, or twelve months.
- (B)(1)(a) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:
- (i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;
 - (ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;
 - (iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;
 - (iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;
 - (v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously

has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.

(b) If a court imposes a prison term on an offender under division (B)(1)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. Except as provided in division (B)(1)(g) of this section, a court shall not impose more than one prison term on an offender under division (B)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c)(i) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the

Revised Code or for the other felony offense under division (A), (B)(2), or (3) of this section, shall impose an additional prison term of ninety months upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(iii) A court shall not impose more than one additional prison term on an offender under division (B)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (B)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (B)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender an additional prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

- (i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.
- (ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f)(i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to

another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(iii) If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B)(1)(f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (B)(1)(a) or (c) of this section relative to the same offense.

(g) If an offender is convicted of or pleads guilty to two or more felonies, if one or more of those felonies are aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape, and if the offender is convicted of or pleads guilty to a specification of the type described under division (B)(1)(a) of this section in connection with two or more

of the felonies, the sentencing court shall impose on the offender the prison term specified under division (B)(1)(a) of this section for each of the two most serious specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

(2)(a) If division (B)(2)(b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense or, for offenses for which division (A)(1)(a) or (2)(a) of this section applies, in addition to the longest minimum prison term authorized or required for the offense, an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the offense or the longest minimum prison term for the offense, whichever is applicable, that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (B)(2)(a)(iii) of this section and, if applicable, division (B)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A)(1)(a) or (2)(a) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of

one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (CC)(1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.

(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(c) For purposes of division (B)(2)(b) of this section, two or more offenses committed at the same time or as part of the same act or event shall be considered one offense, and that one offense shall be the offense with the greatest penalty.

(d) A sentence imposed under division (B)(2)(a) or (b) of this section shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. The offender shall serve an additional prison term imposed under division (B)(2)(a) or (b) of this section consecutively to and prior to the prison term imposed for the underlying offense.

(e) When imposing a sentence pursuant to division (B)(2)(a) or (b) of this section, the court shall state its findings explaining the imposed sentence.

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a violation of section 2925.05 of the Revised Code and division (E)(1) of that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of

the type described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that cannot be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (B)(4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction. If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code and the court imposes a mandatory term of local incarceration, the court may impose a prison term as described in division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the

Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 2941.1414 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B)(5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B)(6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(6) of this section for felonies committed as part of the same act.

(7)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

- (i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the first degree committed on or after March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than five years and not greater than eleven years;
- (ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A)(2)(b) or (3) of this section, except that if the offense is a felony of the second degree committed on or after March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;
- (iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) The prison term imposed under division (B)(7)(a) of this section shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or

2967.194, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after arch¹ 22, 2019, the court shall impose as the minimum prison term under division (A)(1)(a) or (2)(a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

(9)(a) If an offender is convicted of or pleads guilty to a violation of division (A)(1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

- (i) The violation is a violation of division (A)(1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;
- (ii) The violation is a violation of division (A)(2) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(b) If a court imposes a prison term on an offender under division (B)(9)(a) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B)(9) and (C)(6) of this section and of division (D)(2) of section 2903.11, division (F)(20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the

victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B)(10) of this section shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C)(11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B)(11) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(11) of this section for felonies committed as part of the same act.

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (B)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (B)(1)(a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(c) If a mandatory prison term is imposed upon an offender pursuant to division (B)(1)(f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B)(2), or (B)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(d) If a mandatory prison term is imposed upon an offender pursuant to division (B)(7) or (8) of this section, the offender shall serve the mandatory prison term so imposed consecutively to any other mandatory prison term imposed under that division or under any other provision of law and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(e) If a mandatory prison term is imposed upon an offender pursuant to division (B)(11) of this section, the offender shall serve the mandatory prison term consecutively to any other mandatory prison term imposed under that division, consecutively to and prior to any prison term imposed for the underlying felony, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) of section 2921.34 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of division (A)(1) or (2) of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (B)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (B)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to division (B)(6) of this section and consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender pursuant to division (B)(9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender pursuant to division (B)(10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B)(10) of this section.

(8) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.03 or 2925.11 of the Revised Code or on a violation of section 2925.05 of the Revised Code that is not funding of marijuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.03 or 2925.11 of the Revised Code or for the violation of section 2925.05 of the Revised Code that is not funding of marijuana trafficking.

(9) When consecutive prison terms are imposed pursuant to division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or division (H)(1) or (2) of this section, subject to division (C)(10) of this section, the term to be served is the aggregate of all of the terms so imposed.

(10) When a court sentences an offender to a non-life felony indefinite prison term, any definite prison term or mandatory definite prison term previously or subsequently imposed on the offender in addition to that indefinite sentence that is required to be served consecutively to that indefinite sentence shall be served prior to the indefinite sentence.

(11) If a court is sentencing an offender for a felony of the first or second degree, if division (A)(1)(a) or (2)(a) of this section applies with respect to the sentencing for the offense, and if the court is required under the Revised Code section that sets forth the offense or any other Revised Code provision to impose a mandatory prison term for the offense, the court shall impose the required mandatory prison term as the minimum term imposed under division (A)(1)(a) or (2)(a) of this section, whichever is applicable.

(D)(1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D)(1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or (E)(1)(a)(iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B)(3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B)(2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H)(2)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H)(2)(a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(I) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified

in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K)(1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B)(2)(a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K)(1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for a felony offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

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(A) As used in this section, "qualifying felony of the first or second degree" means a felony of the first or second degree committed on or after the effective date of this section.

(B) The court imposing a prison term on an offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree shall determine the maximum prison term that is part of the sentence in accordance with the following:

(1) If the offender is being sentenced for one felony and the felony is a qualifying felony of the first or second degree, the maximum prison term shall be equal to the minimum term imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code plus fifty per cent of that term.

(2) If the offender is being sentenced for more than one felony, if one or more of the felonies is a qualifying felony of the first or second degree, and if the court orders that some or all of the prison terms imposed are to be served consecutively, the court shall add all of the minimum terms imposed on the offender under

division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree that are to be served consecutively and all of the definite terms of the felonies that are not qualifying felonies of the first or second degree that are to be served consecutively, and the maximum term shall be equal to the total of those terms so added by the court plus fifty per cent of the longest minimum term or definite term for the most serious felony being sentenced.

(3) If the offender is being sentenced for more than one felony, if one or more of the felonies is a qualifying felony of the first or second degree, and if the court orders that all of the prison terms imposed are to run concurrently, the maximum term shall be equal to the longest of the minimum terms imposed on the offender under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree for which the sentence is being imposed plus fifty per cent of the longest minimum term for the most serious qualifying felony being sentenced.

(4) Any mandatory prison term, or portion of a mandatory prison term, that is imposed or to be imposed on the offender under division (B), (G), or (H) of section 2929.14 of the Revised Code or under any other provision of the Revised Code, with respect to a conviction of or plea of guilty to a specification, and that is in addition to the sentence imposed for the underlying offense is separate from the sentence being imposed for the qualifying first or second degree felony committed on or after the effective date of this section and shall not be considered or included in determining a maximum prison term for the offender under divisions (B)(1) to (3) of this section.

(C) The court imposing a prison term on an offender pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree shall sentence the offender, as part of the sentence, to the maximum prison term determined under division (B) of this section. The court shall impose this maximum term at sentencing as part of the sentence it imposes under section 2929.14 of the Revised Code, and shall state the minimum term it imposes under division (A)(1)(a) or (2)(a) of that section, and this maximum term, in the sentencing entry.

(D) If a court imposes a prison term on an offender pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a qualifying felony of the first or second degree, section 2967.271 of the Revised Code applies with respect to the offender's service of the prison term.

OKLAHOMA

Okla. Stat. Ann. tit. 21, § 797

Robbery in the first degree is when, in the course of committing the theft, the defendant:

1. inflicts serious bodily injury upon the person;
2. threatens a person with immediate serious bodily injury;
3. intentionally puts a person in fear of immediate serious bodily injury; or
4. commits or threatens to commit a felony upon the person.

When accomplished in any other manner, it is robbery in the second degree.

Okla. Stat. Ann. tit. 21, § 792

To constitute robbery, the force or fear must be employed either to obtain or retain possession of the property, or to prevent or overcome resistance to the taking. If employed merely as a means of escape, it does not constitute robbery.

Okla. Stat. Ann. tit. 21, § 798

Any person guilty of robbery in the first degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than ten (10) years.

Okla. Stat. Ann. tit. 21, § 799

Any person guilty of robbery in the second degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

Okla. Stat. Ann. tit. 21, § 62.1

Whenever any person is declared punishable for a crime by imprisonment in the penitentiary for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during the natural life of the offender, or for any number of years not less than such as are prescribed.

Okla. Stat. Ann. tit. 21, § 801

Any person or persons who, with the use of any firearms or any other dangerous weapons, whether the firearm is loaded or not, or who uses a blank or imitation firearm capable of raising in the mind of the one threatened with such device a fear that it is a real firearm, attempts to rob or robs any person or persons, or who robs or attempts to rob any place of business, residence or banking institution or any other place inhabited or attended by any person or persons at any time, either day or night, shall be guilty of a felony and, upon conviction therefor, shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than five (5) years, at the discretion of the court, or the jury trying the same.

Upon conviction therefor, any person guilty of three separate and distinct felonies, in violation of this section shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than ten (10) years, and it is mandatory upon the court to impose no less than the minimum sentence of ten (10) years. The sentence imposed upon such person shall not be reduced to less than ten (10) calendar

years, nor suspended, nor shall any person be eligible for probation or parole or receive any deduction from his sentence for good conduct until he shall have served ten (10) calendar years of such sentence.

OREGON

Or. Rev. Stat. Ann. § 164.395

- (1) A person commits the crime of robbery in the third degree if in the course of committing or attempting to commit theft or unauthorized use of a vehicle as defined in ORS 164.135 the person uses or threatens the immediate use of physical force upon another person with the intent of:
 - (a) Preventing or overcoming resistance to the taking of the property or to retention thereof immediately after the taking; or
 - (b) Compelling the owner of such property or another person to deliver the property or to engage in other conduct which might aid in the commission of the theft or unauthorized use of a vehicle.
- (2) Robbery in the third degree is a Class C felony.

Or. Rev. Stat. Ann. § 164.405

- (1) A person commits the crime of robbery in the second degree if the person violates ORS 164.395 and the person:
 - (a) Represents by word or conduct that the person is armed with what purports to be a dangerous or deadly weapon; or
 - (b) Is aided by another person actually present.
- (2) Robbery in the second degree is a Class B felony.

Or. Rev. Stat. Ann. § 164.415

- (1) A person commits the crime of robbery in the first degree if the person violates ORS 164.395 and the person:
 - (a) Is armed with a deadly weapon;
 - (b) Uses or attempts to use a dangerous weapon; or
 - (c) Causes or attempts to cause serious physical injury to any person.
- (2) Robbery in the first degree is a Class A felony.

Or. Rev. Stat. Ann. § 161.605

The maximum term of an indeterminate sentence of imprisonment for a felony is as follows:

- (1) For a Class A felony, 20 years.
- (2) For a Class B felony, 10 years.
- (3) For a Class C felony, 5 years.
- (4) For an unclassified felony as provided in the statute defining the crime.

PENNSYLVANIA

18 Pa. Stat. and Cons. Stat. Ann. § 3701

(a) Offense defined.--

- (1) A person is guilty of robbery if, in the course of committing a theft, he:
 - (i) inflicts serious bodily injury upon another;
 - (ii) threatens another with or intentionally puts him in fear of immediate serious bodily injury;
 - (iii) commits or threatens immediately to commit any felony of the first or second degree;
 - (iv) inflicts bodily injury upon another or threatens another with or intentionally puts him in fear of immediate bodily injury;
 - (v) physically takes or removes property from the person of another by force however slight; or
 - (vi) takes or removes the money of a financial institution without the permission of the financial institution by making a demand of an employee of the financial institution orally or in writing with the intent to deprive the financial institution thereof.
- (2) An act shall be deemed “in the course of committing a theft” if it occurs in an attempt to commit theft or in flight after the attempt or commission.
- (3) For purposes of this subsection, a “financial institution” means a bank, trust company, savings trust, credit union or similar institution.

(b) Grading.--

- (1) Except as provided under paragraph (2), robbery under subsection (a)(1)(iv) and (vi) is a felony of the second degree; robbery under subsection (a)(1)(v) is a felony of the third degree; otherwise, it is a felony of the first degree.
- (2) If the object of a robbery under paragraph (1) is a controlled substance or designer drug as those terms are defined in section 2 of the act of April 14, 1972 (P.L. 233, No. 64),¹ known as The Controlled Substance, Drug, Device and Cosmetic Act, robbery is a felony of the first degree.

18 Pa. Stat. and Cons. Stat. Ann. § 1103

Except as provided in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), a person who has been convicted of a felony may be sentenced to imprisonment as follows:

- (1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.
- (2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.
- (3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years

RHODE ISLAND

11 R.I. Gen. Laws Ann. § 11-39-1

(a) Every person who shall commit: (1) robbery by use of a dangerous weapon; (2) robbery where a victim is injured; or (3) robbery where the victim is a person who is severely impaired or an elderly person; shall be guilty of first degree robbery and shall be imprisoned for not less than ten (10) years and may be imprisoned for life, or fined not more than fifteen thousand dollars (\$15,000), or both.

(b) Every person who shall commit robbery or other larceny from the person by force or threat, where there is no weapon and no injury and the victim is neither a severely impaired person or an elderly person, shall be guilty of second degree robbery and shall be imprisoned for not less than five (5) years nor more than thirty (30) years, or fined not more than ten thousand dollars (\$10,000), or both.

(c) For the purposes of this section:

(1) "Person who is severely impaired" has the same definition as provided in § 11-5-11; and

(2) "Elderly person" means a person sixty (60) years of age or older.

SOUTH CAROLINA

S.C. Code Ann. § 16-11-325

The common law offense of robbery is a felony. Upon conviction, a person must be imprisoned not more than fifteen years.

State v. Parker, 351 S.C. 567, 570, 571 S.E.2d 288, 289 (2002), overruled by *State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005)

Robbery is defined as the felonious or unlawful taking of money, goods, or other personal property of any value from the person of another or in his presence by violence or by putting such person in fear.

S.C. Code Ann. § 16-11-330

(A) A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum term of not less than ten years or more than thirty years, no part of which may be suspended or probation granted. A person convicted under this subsection is not eligible for parole until the person has served at least seven years of the sentence.

(B) A person who commits attempted robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

SOUTH DAKOTA

S.D. Codified Laws § 22-30-1

Robbery is the intentional taking of personal property, regardless of value, in the possession of another from the other's person or immediate presence, and against the other's will, accomplished by means of force or fear of force, unless the property is taken pursuant to law or process of law.

S.D. Codified Laws § 22-30-6

Robbery, if accomplished by the use of a dangerous weapon, or by the use of a physical object simulating a dangerous weapon, is robbery in the first degree. Robbery, if accomplished in any other manner, is robbery in the second degree.

S.D. Codified Laws § 22-30-7

Robbery in the first degree is a Class 2 felony. Robbery in the second degree is a Class 4 felony.

S.D. Codified Laws § 22-6-1

Except as otherwise provided by law, felonies are divided into the following nine classes which are distinguished from each other by the following maximum penalties which are authorized upon conviction:

- (1) Class A felony: death or life imprisonment in a state correctional facility. A lesser sentence than death or life imprisonment may not be given for a Class A felony. In addition, a fine of fifty thousand dollars may be imposed;
- (2) Class B felony: life imprisonment in a state correctional facility. A lesser sentence may not be given for a Class B felony. In addition, a fine of fifty thousand dollars may be imposed;
- (3) Class C felony: life imprisonment in a state correctional facility. In addition, a fine of fifty thousand dollars may be imposed;
- (4) Class 1 felony: fifty years imprisonment in a state correctional facility. In addition, a fine of fifty thousand dollars may be imposed;
- (5) Class 2 felony: twenty-five years imprisonment in a state correctional facility. In addition, a fine of fifty thousand dollars may be imposed;
- (6) Class 3 felony: fifteen years imprisonment in a state correctional facility. In addition, a fine of thirty thousand dollars may be imposed;
- (7) Class 4 felony: ten years imprisonment in a state correctional facility. In addition, a fine of twenty thousand dollars may be imposed;
- (8) Class 5 felony: five years imprisonment in a state correctional facility. In addition, a fine of ten thousand dollars may be imposed; and
- (9) Class 6 felony: two years imprisonment in a state correctional facility or a fine of four thousand dollars, or both.

If the defendant is under the age of eighteen years at the time of the offense and found guilty of a Class A, B, or C felony, the maximum sentence may be a term of years in a state correctional facility, and a fine of fifty thousand dollars may be imposed.

The court, in imposing sentence on a defendant who has been found guilty of a felony, shall order in addition to the sentence that is imposed pursuant to the provisions of this

section, that the defendant make restitution to any victim in accordance with the provisions of chapter 23A-28.

Nothing in this section limits increased sentences for habitual criminals under §§ 22-7-7, 22-7-8, and 22-7-8.1

TENNESSEE

Tenn. Code Ann. § 39-13-401

- (a) Robbery is the intentional or knowing theft of property from the person of another by violence or putting the person in fear.
- (b) Robbery is a Class C felony.

Tenn. Code Ann. § 39-13-402

- (a) Aggravated robbery is robbery as defined in § 39-13-401:
 - (1) Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon; or
 - (2) Where the victim suffers serious bodily injury.
- (b) Aggravated robbery is a Class B felony.

Tenn. Code Ann. § 39-13-403

- (a) Especially aggravated robbery is robbery as defined in § 39-13-401:
 - (1) Accomplished with a deadly weapon; and
 - (2) Where the victim suffers serious bodily injury.
- (b) Especially aggravated robbery is a Class A felony.

Tenn. Code Ann. § 40-35-105

- (a) A standard offender is a defendant not sentenced as:
 - (1) A multiple offender, as defined by § 40-35-106;
 - (2) A persistent offender, as defined by § 40-35-107;
 - (3) A career offender, as defined by § 40-35-108;
 - (4) An especially mitigated offender, as defined by § 40-35-109; or
 - (5) A repeat violent offender, as defined by § 40-35-120.
- (b) The sentence for a standard offender is within Range I.
- (c) If the judgment of conviction does not include a sentence range, it shall be returned to the sentencing court to be completed.

Tenn. Code Ann. § 40-35-112

- (a) A Range I sentence is as follows:
 - (1) For a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years;
 - (2) For a Class B felony, not less than eight (8) nor more than twelve (12) years;
 - (3) For a Class C felony, not less than three (3) nor more than six (6) years;
 - (4) For a Class D felony, not less than two (2) nor more than four (4) years; and
 - (5) For a Class E felony, not less than one (1) nor more than two (2) years.
- (b) A Range II sentence is as follows:
 - (1) For a Class A felony, not less than twenty-five (25) nor more than forty (40) years;
 - (2) For a Class B felony, not less than twelve (12) nor more than twenty (20) years;
 - (3) For a Class C felony, not less than six (6) nor more than ten (10) years;
 - (4) For a Class D felony, not less than four (4) nor more than eight (8) years; and
 - (5) For a Class E felony, not less than two (2) nor more than four (4) years.

(c) A Range III sentence is as follows:

- (1) For a Class A felony, not less than forty (40) nor more than sixty (60) years;
 - (2) For a Class B felony, not less than twenty (20) nor more than thirty (30) years;
 - (3) For a Class C felony, not less than ten (10) nor more than fifteen (15) years;
 - (4) For a Class D felony, not less than eight (8) nor more than twelve (12) years;
- and
- (5) For a Class E felony, not less than four (4) nor more than six (6) years.

Tenn. Code Ann. § 40-35-210

(a) At the conclusion of the sentencing hearing, the court shall first determine the appropriate range of sentence.

(b) To determine the specific sentence and the appropriate combination of sentencing alternatives that shall be imposed on the defendant, the court shall consider the following:

- (1) The evidence, if any, received at the trial and the sentencing hearing;
- (2) The presentence report;
- (3) The principles of sentencing and arguments as to sentencing alternatives;
- (4) The nature and characteristics of the criminal conduct involved;
- (5) Evidence and information offered by the parties on the mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114;
- (6) Any statistical information provided by the administrative office of the courts as to sentencing practices for similar offenses in Tennessee;
- (7) Any statement the defendant wishes to make on the defendant's own behalf about sentencing; and
- (8) The result of the validated risk and needs assessment conducted by the department and contained in the presentence report.

(c) The court shall impose a sentence within the range of punishment, determined by whether the defendant is a mitigated, standard, persistent, career or repeat violent offender. In imposing a specific sentence within the range of punishment, the court shall consider, but is not bound by, the following advisory sentencing guidelines:

- (1) The minimum sentence within the range of punishment is the sentence that should be imposed, because the general assembly set the minimum length of sentence for each felony class to reflect the relative seriousness of each criminal offense in the felony classifications; and
- (2) The sentence length within the range should be adjusted, as appropriate, by the presence or absence of mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114.

(d) The sentence length within the range should be consistent with the purposes and principles of this chapter.

(e)(1) In order to ensure fair and consistent sentencing, at a sentencing hearing the court shall place on the record, either orally or in writing, the following:

- (A) What enhancing or mitigating factors were considered, if any;
- (B) The reasons for the sentence; and
- (C) For a sentence of continuous confinement, the estimated number of years and months the defendant will serve before becoming eligible for release.

(2) The department of correction shall provide the court with a form to assist in determining the estimation referenced in subdivision (e)(1)(C).

(3) The estimation provided pursuant to subdivision (e)(1)(C) is not a basis for post-conviction relief or for a direct appeal of the defendant's sentence.

(f) A sentence must be based on evidence in the record of the trial, the sentencing hearing, the presentence report, the validated risk and needs assessment, and the record of prior felony convictions filed by the district attorney general with the court, as required by § 40-35-202(a).

(g) When the court accepts a plea of guilty or nolo contendere or imposes a sentence on a defendant who has been convicted of a felony offense that occurred on or after July 1, 2021, the court shall specify in its order that the defendant may be subject to an additional year of mandatory reentry supervision pursuant to § 40-35-506 if, at the time of release, the defendant is not an eligible inmate as defined in § 40-35-506.

TEXAS

Tex. Penal Code Ann. § 29.02

- (a) A person commits an offense if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he:
 - (1) intentionally, knowingly, or recklessly causes bodily injury to another; or
 - (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.
- (b) An offense under this section is a felony of the second degree.

Tex. Penal Code Ann. § 29.03

- (a) A person commits an offense if he commits robbery as defined in Section 29.02, and he:
 - (1) causes serious bodily injury to another;
 - (2) uses or exhibits a deadly weapon; or
 - (3) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
 - (A) 65 years of age or older; or
 - (B) a disabled person.
- (b) An offense under this section is a felony of the first degree.
- (c) In this section, “disabled person” means an individual with a mental, physical, or developmental disability who is substantially unable to protect himself from harm.

Tex. Penal Code Ann. § 12.32

- (a) An individual adjudged guilty of a felony of the first degree shall be punished by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 5 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed \$10,000.

Tex. Penal Code Ann. § 12.33

- (a) An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.

UTAH

Utah Code Ann. § 76-6-301

- (1)(a) As used in this section, an act is considered to be “in the course of committing a theft or unauthorized possession of property” if the act occurs:
- (i) in the course of an attempt to commit theft or unauthorized possession of property;
 - (ii) in the commission of theft or unauthorized possession of property; or
 - (iii) in the immediate flight after the attempt or commission.
- (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits robbery if the actor:
- (a) unlawfully and intentionally takes or attempts to take personal property in the possession of an individual from the individual's person, or immediate presence, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently or temporarily of the personal property; or
 - (b) intentionally or knowingly uses force or fear of immediate force against an individual in the course of committing a theft or unauthorized possession of property.
- (3) A violation of Subsection (2) is a second degree felony.

Utah Code Ann. § 76-6-302

- (1)(a) As used in this section, an act is considered to be “in the course of committing a robbery” if the act occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of a robbery.
- (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits aggravated robbery if in the course of committing a robbery, the actor:
- (a) uses or threatens to use a dangerous weapon;
 - (b) causes serious bodily injury to another individual; or
 - (c) takes or attempts to take an operable motor vehicle.
- (3) A violation of Subsection (2) is a first degree felony.

Utah Code Ann. § 76-3-203

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

- (1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.
- (2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.
- (3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

VERMONT

Vt. Stat. Ann. tit. 13, § 608

(a) A person who assaults another and robs, steals, or takes from his or her person or in his or her presence money or other property that may be the subject of larceny shall be imprisoned for not more than 10 years.

(b) A person who, being armed with a dangerous weapon, assaults another and robs, steals, or takes from his or her person or in his or her presence money or other property that may be the subject of larceny shall be imprisoned for not more than 15 years nor less than one year.

(c) If in the attempt or commission of an offense under subsection (a) or (b) of this section, a person causes bodily injury, such person shall be imprisoned for not more than 20 years nor less than one year. Any penalty imposed under this subsection shall be in lieu of any penalty imposed under subsection (a) or (b) of this section.

Vt. Stat. Ann. tit. 13, § 1023

(a) A person is guilty of simple assault if he or she:

(1) attempts to cause or purposely, knowingly, or recklessly causes bodily injury to another; or

(2) negligently causes bodily injury to another with a deadly weapon; or

(3) attempts by physical menace to put another in fear of imminent serious bodily injury.

(b) A person who is convicted of simple assault shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both, unless the offense is committed in a fight or scuffle entered into by mutual consent, in which case a person convicted of simple assault shall be imprisoned not more than 60 days or fined not more than \$500.00, or both.

VIRGINIA

Va. Code Ann. § 18.2-58

A. For the purposes of this section, “serious bodily injury” means the same as that term is defined in § 18.2-51.4.

B. Any person who commits robbery is guilty of a felony and shall be punished as follows:

1. Any person who commits robbery and causes serious bodily injury to or the death of any other person is guilty of a Class 2 felony.
2. Any person who commits robbery by using or displaying a firearm, as defined in § 18.2-308.2:2, in a threatening manner is guilty of a Class 3 felony.
3. Any person who commits robbery by using physical force not resulting in serious bodily injury or by using or displaying a deadly weapon other than a firearm in a threatening manner is guilty of a Class 5 felony.
4. Any person who commits robbery by using threat or intimidation or any other means not involving a deadly weapon is guilty of a Class 6 felony.

Va. Code Ann. § 18.2-10

The authorized punishments for conviction of a felony are:

- (a) For Class 1 felonies, imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. Any person who was 18 years of age or older at the time of the offense and who is sentenced to imprisonment for life upon conviction of a Class 1 felony shall not be eligible for (i) parole, (ii) any good conduct allowance or any earned sentence credits under Chapter 6 (§ 53.1-186 et seq.) of Title 53.1, or (iii) conditional release pursuant to § 53.1-40.01 or 53.1-40.02.
- (b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.
- (c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.
- (d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.
- (e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.
- (f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.
- (g) Except as specifically authorized in subdivision (e) or (f), the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of incarceration of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of post-release supervision pursuant to § 19.2-295.2 and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

For a felony offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the sentencing court is authorized to impose the punishment set forth in that section in addition to any other penalty provided by law.

WASHINGTON

Wash. Rev. Code Ann. § 9A.56.190

A person commits robbery when he or she unlawfully takes personal property from the person of another or in his or her presence against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property or the person or property of anyone. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

Wash. Rev. Code Ann. § 9A.56.200

- (1) A person is guilty of robbery in the first degree if:
 - (a) In the commission of a robbery or of immediate flight therefrom, he or she:
 - (i) Is armed with a deadly weapon; or
 - (ii) Displays what appears to be a firearm or other deadly weapon; or
 - (iii) Inflicts bodily injury; or
 - (b) He or she commits a robbery within and against a financial institution as defined in RCW 7.88.010 or 35.38.060.
- (2) Robbery in the first degree is a class A felony.

Wash. Rev. Code Ann. § 9A.56.210

- (1) A person is guilty of robbery in the second degree if he or she commits robbery.
- (2) Robbery in the second degree is a class B felony.

Wash. Rev. Code Ann. § 9A.20.021

- (1) Felony. Unless a different maximum sentence for a classified felony is specifically established by a statute of this state, no person convicted of a classified felony shall be punished by confinement or fine exceeding the following:
 - (a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;
 - (b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;
 - (c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.
- (2) Gross misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.
- (3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

- (4) This section applies to only those crimes committed on or after July 1, 1984.
- (5) The fines in this section apply to adult offenders only.

WEST VIRGINIA

W. Va. Code Ann. § 61-2-12

- (a) Any person who commits or attempts to commit robbery by:
- (1) Committing violence to the person, including, but not limited to, partial strangulation or suffocation or by striking or beating; or
 - (2) uses the threat of deadly force by the presenting of a firearm or other deadly weapon, is guilty of robbery in the first degree and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than ten years.
- (b) Any person who commits or attempts to commit robbery by placing the victim in fear of bodily injury by means other than those set forth in subsection (a) of this section or any person who commits or attempts to commit robbery by the use of any means designed to temporarily disable the victim, including, but not limited to, the use of a disabling chemical substance or an electronic shock device, is guilty of robbery in the second degree and, upon conviction thereof, shall be confined in a correctional facility for not less than five years nor more than eighteen years.
- (c) If any person:
- (1) By force and violence, or by putting in fear, feloniously takes, or feloniously attempts to take, from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management or possession of, any bank, he shall be guilty of a felony and, upon conviction, shall be confined in the penitentiary not less than ten nor more than twenty years; and
 - (2) if any person in committing, or in attempting to commit, any offense defined in the preceding clause (1) of this subsection, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, disabling chemical substance or an electronic shock device, he shall be guilty of a felony and, upon conviction, shall be confined in the penitentiary not less than ten years nor more than twenty-five years.

WISCONSIN

Wis. Stat. Ann. § 943.32

- (1) Whoever, with intent to steal, takes property from the person or presence of the owner by either of the following means is guilty of a Class E felony:
 - (a) By using force against the person of the owner with intent thereby to overcome his or her physical resistance or physical power of resistance to the taking or carrying away of the property; or
 - (b) By threatening the imminent use of force against the person of the owner or of another who is present with intent thereby to compel the owner to acquiesce in the taking or carrying away of the property.
- (2) Whoever violates sub. (1) by use or threat of use of a dangerous weapon, a device or container described under s. 941.26(4)(a) or any article used or fashioned in a manner to lead the victim reasonably to believe that it is a dangerous weapon or such a device or container is guilty of a Class C felony.
- (3) In this section “owner” means a person in possession of property whether the person's possession is lawful or unlawful.

Wis. Stat. Ann. § 939.50

- (1) Felonies in the statutes are classified as follows:
 - (a) Class A felony.
 - (b) Class B felony.
 - (c) Class C felony.
 - (d) Class D felony.
 - (e) Class E felony.
 - (f) Class F felony.
 - (g) Class G felony.
 - (h) Class H felony.
 - (i) Class I felony.
- (2) A felony is a Class A, B, C, D, E, F, G, H, or I felony when it is so specified in the statutes.
- (3) Penalties for felonies are as follows:
 - (a) For a Class A felony, life imprisonment.
 - (b) For a Class B felony, imprisonment not to exceed 60 years.
 - (c) For a Class C felony, a fine not to exceed \$ 100,000 or imprisonment not to exceed 40 years, or both.
 - (d) For a Class D felony, a fine not to exceed \$ 100,000 or imprisonment not to exceed 25 years, or both.
 - (e) For a Class E felony, a fine not to exceed \$ 50,000 or imprisonment not to exceed 15 years, or both.
 - (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both.
 - (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.
 - (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

(i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.

WYOMING

Wyo. Stat. Ann. § 6-2-401

(a) A person is guilty of robbery if in the course of committing a crime defined by W.S. 6-3-402, he:

(i) Inflicts bodily injury upon another; or

(ii) Threatens another with or intentionally puts him in fear of immediate bodily injury.

(b) Except as provided in subsection (c) of this section, robbery is a felony punishable by imprisonment for not more than ten (10) years.

(c) Aggravated robbery is a felony punishable by imprisonment for not less than five (5) years nor more than twenty-five (25) years if in the course of committing the crime of robbery the person:

(i) Intentionally inflicts or attempts to inflict serious bodily injury; or

(ii) Uses or exhibits a deadly weapon or a simulated deadly weapon.

(d) As used in this section “in the course of committing the crime” includes the time during which an attempt to commit the crime or in which flight after the attempt or commission occurred.

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SUMMARY TABLE

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Alabama	<i>Same as robbery</i>		<i>Same as robbery</i>	
Alaska	<i>Same as robbery</i>		<i>Same as robbery</i>	
Arizona	<i>Same as robbery</i>		<i>Same as robbery</i>	
Arkansas	<i>Same as robbery</i>		<i>Same as robbery</i>	
California	Highest Max: 25 to Life <i>(discharge firearm with serious bodily injury or death)</i>	§§ 215; 12022.53(a)(5), (d)	Highest Max: 9 years <i>(force/threats)</i> Lowest Max: 9 years <i>(force/threats)</i>	§ 215
Colorado	<i>Same as robbery</i>		<i>Same as robbery</i>	
Connecticut	<i>Same as robbery</i>		<i>Same as robbery</i>	
Delaware	<i>Same as robbery</i>		<i>Same as robbery</i>	
Florida	Highest Max: Life <i>(carried deadly weapon)</i>	§§ 812.133(2)(a); 775.082(3)(b)(1)	Highest Max: 30 years <i>(force/fear)</i> Lowest Max: 30 years <i>(force/fear)</i>	§§ 812.133(2)(b); 775.082(3)(b)(1)
Georgia	Highest Max: 20 years <i>(possess weapon)</i>	§ 16-5-44.1(b)(1), (c)(1)	Highest Max: 10 years <i>(without consent)</i> Lowest Max: 10 years <i>(without consent)</i>	§ 16-5-44.1(b)(2), (c)(2)
Hawaii	<i>Same as robbery</i>		<i>Same as robbery</i>	
Idaho	<i>Same as robbery</i>		<i>Same as robbery</i>	
Illinois	Highest Max: 55 to Life <i>(discharge firearm with serious bodily injury or death)</i>	720 - 5/18-2(a)(4), (b); 730 - 5/5-4.5-25(a))	Highest Max: 15 years <i>(force/threat of force)</i> Lowest Max: 15 years <i>(force/threat of force)</i>	720 - 5/18-3; 730 - 5/5-4.5-30(a)
Indiana	<i>Same as robbery</i>		<i>Same as robbery</i>	
Iowa	<i>Same as robbery</i>		<i>Same as robbery</i>	
Kansas	<i>Same as robbery</i>		<i>Same as robbery</i>	
Kentucky	<i>Same as robbery</i>		<i>Same as robbery</i>	

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Louisiana	Highest Max: 20 years	§ 14:64.2(A), (B)(1)	Highest Max: 30 years <i>(serious bodily injury)</i> Lowest Max: 20 years <i>(force/intimidation)</i>	§ 14:64.2(A), (B)(2) § 14:64.2(A), (B)(1)
Maine	<i>Same as robbery</i>		<i>Same as robbery</i>	
Maryland	Highest Max: 30 years <i>(use or display dangerous weapon)</i>	§ 3-405(c), (d)	Highest Max: 30 years <i>(force/violence/threat)</i> Lowest Max: 30 years <i>(force/violence/threat)</i>	§ 3-405(b), (d)
Massachusetts	Highest Max: 20 years <i>(armed with dangerous weapon)</i>	ch. 265, § 21A	Highest Max: 15 years <i>(fear)</i> Lowest Max: 15 years <i>(fear)</i>	ch. 265, § 21A
Michigan	Highest Max: Life	§ 750.529a	Highest Max: Life <i>(force/fear)</i> Lowest Max: Life <i>(force/fear)</i>	§ 750.529a
Minnesota	Highest Max: 20 years <i>(armed with dangerous weapon)</i>	§ 609.247(2)	Highest Max: 20 years <i>(bodily injury)</i> Lowest Max: 10 years <i>(force/threat of force)</i>	§ 609.247(1)(b), (2) § 609.247(1)(b), (4)
Mississippi	Highest Max: 30 years <i>(armed with or readily available dangerous weapon)</i>	§§ 97-3-115; 117(2)	Highest Max: 15 years <i>(force/fear)</i> Lowest Max: 15 years <i>(force/fear)</i>	§§ 97-3-115; 117(1)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
Missouri	Highest Max: Life <i>(armed with deadly weapon)</i>	§§ 570.027(1), (3)(2); 558.011(1)(1)	Highest Max: Life <i>(serious bodily injury)</i> Lowest Max: 15 years <i>(force/threat of force)</i>	§§ 570.027(1), (3)(1); 558.011(1)(1) §§ 570.027(1), (2); 558.011(1)(2)
Montana	<i>Same as robbery</i>		<i>Same as robbery</i>	
Nebraska	<i>Same as robbery</i>		<i>Same as robbery</i>	
Nevada	<i>Same as robbery</i>		<i>Same as robbery</i>	
New Hampshire	<i>Same as robbery</i>		<i>Same as robbery</i>	
New Jersey	Highest Max: 30 years <i>(force/threaten or inflict bodily injury)</i>	§ 2C:15-2	Highest Max: 30 years <i>(force/threaten or inflict bodily injury)</i> Lowest Max: 30 years <i>(force/threaten or inflict bodily injury)</i>	§ 2C:15-2(a)(1), (b)
New Mexico	<i>Same as robbery</i>		<i>Same as robbery</i>	
New York	<i>Same as robbery</i>		<i>Same as robbery</i>	
North Carolina	<i>Same as robbery</i>		<i>Same as robbery</i>	
North Dakota	<i>Same as robbery</i>		<i>Same as robbery</i>	
Ohio	<i>Same as robbery</i>		<i>Same as robbery</i>	
Oklahoma	<i>Same as robbery</i>		<i>Same as robbery</i>	
Oregon	<i>Same as robbery</i>		<i>Same as robbery</i>	
Pennsylvania	Highest Max: 20 years <i>(steals/takes from presence)</i>	18 - §§ 3702; 1103(1)	Highest Max: 20 years <i>(steals/takes from presence)</i> Lowest Max: 20 years <i>(steals/takes from presence)</i>	18 - §§ 3702; 1103(1)
Rhode Island	Highest Max: Life <i>(use/threaten to use deadly weapon with serious bodily injury)</i>	§ 11-39-2(a)	Highest Max: 30 years <i>(force/threat of force)</i> Lowest Max: 30 years <i>(force/threat of force)</i>	§ 11-39-2(b)

State	Armed Penalties	Statutes	Unarmed Penalties	Statutes
South Carolina	Highest Max: 20 years	§ 16-3-1075	Highest Max: 30 years <i>(serious bodily injury)</i> Lowest Max: 20 years <i>(force/violence/intimidation)</i>	§ 16-3-1075 § 16-3-1075(B)(1)
South Dakota	<i>Same as robbery</i>		<i>Same as robbery</i>	
Tennessee	Highest Max: 12 years <i>(use deadly weapon)</i>	§§ 39-13-404(a)(1); (b) 40-35-105(a), (b); 40-35-112(a)(2); 40-35-210(c)	Highest Max: 12 years <i>(force/intimidation)</i> Lowest Max: 12 years <i>(force/intimidation)</i>	§§ 39-13-404(a)(2), (b); 40-35-105(a), (b); 40-35-112(a)(2); 40-35-210(c)
Texas	<i>Same as robbery</i>		<i>Same as robbery</i>	
Utah	Highest Max: Life <i>(force/fear)</i>	§§ 76-6-302(2)(c), (3); 76-3-203(1)	Highest Max: Life <i>(force/fear)</i> Lowest Max: Life <i>(force/fear)</i>	§§ 76-6-302(2)(c), (3); 76-3-203(1)
Vermont	<i>Same as robbery</i>		<i>Same as robbery</i>	
Virginia	Highest Max: Life <i>(threaten/display deadly weapon)</i>	§ 18.2-58.1	Highest Max: Life <i>(violence/fear of serious bodily injury)</i> Lowest Max: Life <i>(violence/fear of serious bodily injury)</i>	§ 18.2-58.1
Washington	<i>Same as robbery</i>		<i>Same as robbery</i>	
West Virginia	<i>Same as robbery</i>		<i>Same as robbery</i>	
Wisconsin	Highest Max: 60 years <i>(possess dangerous weapon)</i>	§§ 943.231(1); 939.50(3)(b)	Highest Max: 15 years <i>(force/threat of force)</i> Lowest Max: 15 years <i>(force/threat of force)</i>	§§ 943.231(2); 939.50(3)(e)
Wyoming	<i>Same as robbery</i>		<i>Same as robbery</i>	

CALIFORNIA

Cal. Penal Code § 215

(a) “Carjacking” is the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, accomplished by means of force or fear.

(b) Carjacking is punishable by imprisonment in the state prison for a term of **three, five, or nine years.**

(c) This section shall not be construed to supersede or affect Section 211. A person may be charged with a violation of this section and Section 211. However, no defendant may be punished under this section and Section 211 for the same act which constitutes a violation of both this section and Section 211.

Cal. Penal Code § 12022.53

(a) This section applies to the following felonies:

- (1) Section 187 (murder).
- (2) Section 203 or 205 (mayhem).
- (3) Section 207, 209, or 209.5 (kidnapping).
- (4) Section 211 (robbery).
- (5) Section 215 (carjacking).
- (6) Section 220 (assault with intent to commit a specified felony).
- (7) Subdivision (d) of Section 245 (assault with a firearm on a peace officer or firefighter).
- (8) Section 261 or former Section 262 (rape).
- (9) Section 264.1 (rape or sexual penetration in concert).
- (10) Section 286 (sodomy).
- (11) Section 287 or former Section 288a (oral copulation).
- (12) Section 288 or 288.5 (lewd act on a child).
- (13) Section 289 (sexual penetration).
- (14) Section 4500 (assault by a life prisoner).
- (15) Section 4501 (assault by a prisoner).
- (16) Section 4503 (holding a hostage by a prisoner).
- (17) Any felony punishable by death or imprisonment in the state prison for life.
- (18) Any attempt to commit a crime listed in this subdivision other than an assault.

(b) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally uses a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 10 years. The firearm need not be operable or loaded for this enhancement to apply.

(c) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally and intentionally discharges a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 20 years.

(d) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), Section 246, or subdivision (c) or (d) of Section 26100, personally and intentionally discharges a firearm and proximately causes great bodily injury, as defined

in Section 12022.7, or death, to a person other than an accomplice, shall be punished by an additional and consecutive term of imprisonment in the state prison for 25 years to life.

(e)(1) The enhancements provided in this section shall apply to any person who is a principal in the commission of an offense if both of the following are pled and proved:

(A) The person violated subdivision (b) of Section 186.22.

(B) Any principal in the offense committed any act specified in subdivision (b), (c), or (d).

(2) An enhancement for participation in a criminal street gang pursuant to Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1 shall not be imposed on a person in addition to an enhancement imposed pursuant to this subdivision, unless the person personally used or personally discharged a firearm in the commission of the offense.

(f) Only one additional term of imprisonment under this section shall be imposed per person for each crime. If more than one enhancement per person is found true under this section, the court shall impose upon that person the enhancement that provides the longest term of imprisonment. An enhancement involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4, 12022.5, or 12022.55 shall not be imposed on a person in addition to an enhancement imposed pursuant to this section. An enhancement for great bodily injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on a person in addition to an enhancement imposed pursuant to subdivision (d).

(g) Notwithstanding any other law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, a person found to come within the provisions of this section.

(h) The court may, in the interest of justice pursuant to Section 1385 and at the time of sentencing, strike or dismiss an enhancement otherwise required to be imposed by this section. The authority provided by this subdivision applies to any resentencing that may occur pursuant to any other law.

(i) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or any other law shall not exceed 15 percent of the total term of imprisonment imposed on a defendant upon whom a sentence is imposed pursuant to this section.

(j) For the penalties in this section to apply, the existence of any fact required under subdivision (b), (c), or (d) shall be alleged in the accusatory pleading and either admitted by the defendant in open court or found to be true by the trier of fact. When an enhancement specified in this section has been admitted or found to be true, the court shall impose punishment for that enhancement pursuant to this section rather than imposing punishment authorized under any other law, unless another enhancement provides for a greater penalty or a longer term of imprisonment.

(k) When a person is found to have used or discharged a firearm in the commission of an offense that includes an allegation pursuant to this section and the firearm is owned by that person, a coparticipant, or a coconspirator, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(l) The enhancements specified in this section shall not apply to the lawful use or discharge of a firearm by a public officer, as provided in Section 196, or by any person in

lawful self-defense, lawful defense of another, or lawful defense of property, as provided in Sections 197, 198, and 198.5.

FLORIDA

Fla. Stat. Ann. § 812.133

(1) “Carjacking” means the taking of a motor vehicle which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the motor vehicle, when in the course of the taking there is the use of force, violence, assault, or putting in fear.

(2)(a) If in the course of committing the carjacking the offender carried a firearm or other deadly weapon, then the carjacking is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If in the course of committing the carjacking the offender carried no firearm, deadly weapon, or other weapon, then the carjacking is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) An act shall be deemed “in the course of committing the carjacking” if it occurs in an attempt to commit carjacking or in flight after the attempt or commission.

(b) An act shall be deemed “in the course of the taking” if it occurs either prior to, contemporaneous with, or subsequent to the taking of the property and if it and the act of taking constitute a continuous series of acts or events.

Fla. Stat. Ann. § 775.082

(1)(a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(b) 1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(a).

2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. A person

who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(a) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a) 1. For a life felony committed before October 1, 1983, by a term of imprisonment for life or for a term of at least 30 years.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of at least 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

5. Notwithstanding subparagraphs 1.-4., a person who is convicted under s. 782.04 of an offense that was reclassified as a life felony which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more

than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

6. For a life felony committed on or after October 1, 2014, which is a violation of s. 787.06(3)(g), by a term of imprisonment for life.

(b) 1. For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

2. Notwithstanding subparagraph 1., a person convicted under s. 782.04 of a first degree felony punishable by a term of years not exceeding life imprisonment, or an offense that was reclassified as a first degree felony punishable by a term of years not exceeding life, which was committed before the person attained 18 years of age may be punished by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(b).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(c) Notwithstanding paragraphs (a) and (b), a person convicted of an offense that is not included in s. 782.04 but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal

to life imprisonment if the judge conducts a sentencing hearing in accordance with s. 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(d).

(d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(e) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a) 1. “Prison releasee reoffender” means any defendant who commits, or attempts to commit:

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;
- h. Arson;
- i. Kidnapping;
- j. Aggravated assault with a deadly weapon;
- k. Aggravated battery;
- l. Aggravated stalking;
- m. Aircraft piracy;
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- o. Any felony that involves the use or threat of physical force or violence against an individual;
- p. Armed burglary;
- q. Burglary of a dwelling or burglary of an occupied structure; or
- r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5);

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. “Prison releasee reoffender” also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.--r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;

c. For a felony of the second degree, by a term of imprisonment of 15 years; and

d. For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084 or any other provision of law.

(d) 1. It is the intent of the Legislature that offenders previously released from prison or a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

(10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but not a forcible felony as defined in s. 776.08, and excluding any third degree felony violation under chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.

(11) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

GEORGIA

Ga. Code Ann. § 16-5-44.1

(a) As used in this Code section:

(1) “Firearm” means any handgun, rifle, shotgun, or similar device or weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge and includes stun guns and tasers as defined by subsection (a) of Code Section 16-11-106, as amended, and any replica, article, or device having the appearance of a firearm.

(2) “Motor vehicle” means any vehicle which is self-propelled.

(3) “Weapon” means an object, device, or instrument which when used against a person is likely to or actually does result in serious bodily injury or death or any replica, article, or device having the appearance of such a weapon including, but not limited to, any object defined as a hazardous object by Code Section 20-2-751 or as a dangerous weapon by Code Section 16-11-121.

(b)(1) A person commits the offense of hijacking a motor vehicle in the first degree when such person while in possession of a firearm or weapon obtains a motor vehicle from an individual or the presence of another individual by force and violence or intimidation or attempts or conspires to do so.

(2) A person commits the offense of hijacking a motor vehicle in the second degree when such person obtains a motor vehicle from an individual without his or her consent or from the immediate presence of another individual without his or her consent or attempts or conspires to do so.

(c)(1) A person convicted of the offense of hijacking a motor vehicle in the first degree shall be punished by imprisonment for not less than ten nor more than 20 years and a fine of not less than \$10,000.00 nor more than \$100,000.00, provided that any person who has previously committed an offense under the laws of the United States or of Georgia or of any of the several states or of any foreign nation recognized by the United States which if committed in Georgia would have constituted the offense of hijacking a motor vehicle shall be punished by imprisonment for life and a fine of not less than \$100,000.00 nor more than \$500,000.00. The punishment imposed pursuant to this paragraph shall not be deferred, suspended, or probated. For purposes of this paragraph, the term “state” shall include the District of Columbia and any territory, possession, or dominion of the United States.

(2) A person convicted of the offense of hijacking a motor vehicle in the second degree shall be punished upon a first conviction by imprisonment for not less than one nor more than ten years and a fine of not more than \$5,000.00. Upon a second conviction for hijacking a motor vehicle in the second degree, a person shall be punished by imprisonment for not less than three nor more than 15 years and a fine of not more than \$5,000.00. Upon a third or subsequent conviction of hijacking a motor vehicle in the second degree, a person shall be punished by imprisonment for not less than five nor more than 20 years and a fine of not more than \$5,000.00.

(d) The offense of hijacking a motor vehicle in the first degree shall be considered a separate offense and shall not merge with any other offense.

(e)(1) As used in this subsection, the terms “proceeds” and “property” shall have the same meanings as set forth in Code Section 9-16-2.

(2) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them.

(3) Any property subject to forfeiture pursuant to paragraph (2) of this subsection shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

ILLINOIS

720 Ill. Comp. Stat. Ann. 5/18-3

(a) A person commits vehicular hijacking when he or she knowingly takes a motor vehicle from the person or the immediate presence of another by the use of force or by threatening the imminent use of force.

(b) Sentence. Vehicular hijacking is a Class 1 felony.

720 Ill. Comp. Stat. Ann. 5/18-4

(a) A person commits aggravated vehicular hijacking when he or she violates Section 18-3; and

(1) the person from whose immediate presence the motor vehicle is taken is a person with a physical disability or a person 60 years of age or over; or

(2) a person under 16 years of age is a passenger in the motor vehicle at the time of the offense; or

(3) he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon, other than a firearm; or

(4) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(5) he or she, during the commission of the offense, personally discharges a firearm; or

(6) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence. Aggravated vehicular hijacking in violation of subsections (a)(1) or (a)(2) is a Class X felony. A violation of subsection (a)(3) is a Class X felony for which a term of imprisonment of not less than 7 years shall be imposed. A violation of subsection (a)(4) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(5) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(6) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

730 Ill. Comp. Stat. Ann. 5/5-4.5-25

For a Class X felony:

(a) **TERM.** The sentence of imprisonment shall be a determinate sentence, subject to Section 5-4.5-115 of this Code, of not less than 6 years and not more than 30 years. The sentence of imprisonment for an extended term Class X felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall be not less than 30 years and not more than 60 years.

(b) **PERIODIC IMPRISONMENT.** A term of periodic imprisonment shall not be imposed.

(c) **IMPACT INCARCERATION.** The impact incarceration program or the county impact incarceration program is not an authorized disposition.

(d) **PROBATION; CONDITIONAL DISCHARGE.** A period of probation or conditional discharge shall not be imposed.

- (e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).
- (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.
- (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).
- (h) DRUG COURT. See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.
- (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning no credit for time spent in home detention prior to judgment.
- (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3) for rules and regulations for sentence credit.
- (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
- (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 3 years upon release from imprisonment.

730 Ill. Comp. Stat. Ann. 5/5-4.5-30

For a Class 1 felony:

- (a) TERM. The sentence of imprisonment, other than for second degree murder, shall be a determinate sentence of not less than 4 years and not more than 15 years, subject to Section 5-4.5-115 of this Code. The sentence of imprisonment for second degree murder shall be a determinate sentence of not less than 4 years and not more than 20 years, subject to Section 5-4.5-115 of this Code. The sentence of imprisonment for an extended term Class 1 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this Code, shall be a term not less than 15 years and not more than 30 years.
- (b) PERIODIC IMPRISONMENT. A sentence of periodic imprisonment shall be for a definite term of from 3 to 4 years, except as otherwise provided in Section 5-5-3 or 5-7-1 (730 ILCS 5/5-5-3 or 5/5-7-1).
- (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for the impact incarceration program or the county impact incarceration program.
- (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the period of probation or conditional discharge shall not exceed 4 years. The court shall specify the conditions of probation or conditional discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3). In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.
- (e) FINE. Fines may be imposed as provided in Section 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).
- (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6) concerning restitution.

- (g) **CONCURRENT OR CONSECUTIVE SENTENCE.** The sentence shall be concurrent or consecutive as provided in Section 5-8-4 (730 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).
- (h) **DRUG COURT.** See Section 20 of the Drug Court Treatment Act (730 ILCS 166/20) concerning eligibility for a drug court program.
- (i) **CREDIT FOR HOME DETENTION.** See Section 5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time spent in home detention prior to judgment.
- (j) **SENTENCE CREDIT.** See Section 3-6-3 of this Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act (730 ILCS 130/) for rules and regulations for sentence credit.
- (k) **ELECTRONIC MONITORING AND HOME DETENTION.** See Section 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for electronic monitoring and home detention.
- (l) **PAROLE; MANDATORY SUPERVISED RELEASE.** Except as provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or 5/5-8-1), the parole or mandatory supervised release term shall be 2 years upon release from imprisonment.

LOUISIANA

La. Stat. Ann. § 14:64.2

A. Carjacking is the intentional taking of a motor vehicle, as defined in R.S. 32:1(40), belonging to another person, in the presence of that person, or in the presence of a passenger, or any other person in lawful possession of the motor vehicle, by the use of force or intimidation.

B. (1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of carjacking shall be imprisoned at hard labor for not less than five years nor more than twenty years, without benefit of parole, probation, or suspension of sentence.

(2) Whoever commits the crime of carjacking when serious bodily injury results shall be imprisoned at hard labor for not less than twenty years nor more than thirty years, without benefit of parole, probation, or suspension of sentence.

MARYLAND

Md. Code Ann., Crim. Law § 3-405

“Motor vehicle” defined

(a) In this section, “motor vehicle” has the meaning stated in § 11-135 of the Transportation Article.

Prohibited--Carjacking

(b)(1) An individual may not take unauthorized possession or control of a motor vehicle from another individual who actually possesses the motor vehicle, by force or violence, or by putting that individual in fear through intimidation or threat of force or violence.

(2) A violation of this subsection is carjacking.

Prohibited--Armed carjacking

(c)(1) A person may not employ or display a dangerous weapon during the commission of a carjacking.

(2) A violation of this subsection is armed carjacking.

Penalty

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 30 years.

Sentencing

(e) A sentence imposed under this section may be separate from and consecutive to a sentence for any other crime that arises from the conduct underlying the carjacking or armed carjacking.

Prohibited defense

(f) It is not a defense under this section that the defendant did not intend to permanently deprive the owner or possessor of the motor vehicle.

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 265, § 21A

Whoever, with intent to steal a motor vehicle, assaults, confines, maims or puts any person in fear for the purpose of stealing a motor vehicle shall, whether he succeeds or fails in the perpetration of stealing the motor vehicle be punished by imprisonment in the state prison for not more than fifteen years or in a jail or house of correction for not more than two and one-half years and a fine of not less than one thousand nor more than fifteen thousand dollars; provided, however, that any person who commits any offense described herein while being armed with a dangerous weapon shall be punished by imprisonment in the state prison for not more than twenty years or in a jail or house of correction for not less than one year nor more than two and one-half years and a fine of not less than five nor more than fifteen thousand dollars. Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon, shall be punished by imprisonment in the state prison for not less than 7 years.

MICHIGAN

Mich. Comp. Laws Ann. § 750.529a

(1) A person who in the course of committing a larceny of a motor vehicle uses force or violence or the threat of force or violence, or who puts in fear any operator, passenger, or person in lawful possession of the motor vehicle, or any person lawfully attempting to recover the motor vehicle, is guilty of carjacking, a felony punishable by imprisonment for life or for any term of years.

(2) As used in this section, “in the course of committing a larceny of a motor vehicle” includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the motor vehicle.

(3) A sentence imposed for a violation of this section may be imposed to run consecutively to any other sentence imposed for a conviction that arises out of the same transaction.

MINNESOTA

Minn. Stat. Ann. § 609.247

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given.

(b) “Carjacking” means taking a motor vehicle from the person or in the presence of another while having knowledge of not being entitled to the motor vehicle and using or threatening the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

(c) “Motor vehicle” has the meaning given in section 609.52, subdivision 1, clause (10).

Subd. 2. First degree. Whoever, while committing a carjacking, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of carjacking in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 3. Second degree. Whoever, while committing a carjacking, implies, by word or act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 4. Third degree. Whoever commits carjacking under any other circumstances is guilty of carjacking in the third degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

MISSISSIPPI

Miss. Code. Ann. § 97-3-115

The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) “Carjacking” means taking of a motor vehicle from another person's immediate actual possession knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means.

(b) “Motor vehicle” includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled.

Miss. Code Ann. § 97-3-117

(1) Whoever shall knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means shall take a motor vehicle from another person's immediate actual possession shall be guilty of carjacking.

(a) A person who is convicted of carjacking shall be fined not more than Five Thousand Dollars (\$5,000.00) and be committed to the custody of the State Department of Corrections for not less than five (5) years nor more than fifteen (15) years.

(b) A person who is convicted of attempted carjacking shall receive the same punishment as the person who is convicted of carjacking.

(2) Whoever commits the offense of carjacking while armed with or having readily available any pistol or other firearm or imitation thereof or other dangerous or deadly weapon, including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily harm, shall be guilty of armed carjacking.

(a) Any person who is convicted of armed carjacking shall be fined not more than Ten Thousand Dollars (\$10,000.00) and be committed to the custody of the State Department of Corrections for not less than ten (10) years nor more than thirty (30) years.

(b) Any person who is convicted of attempted armed carjacking shall receive the same punishment as the person who is convicted of armed carjacking.

(3) Any person convicted of a second or subsequent offense under this section shall be fined an amount up to twice that otherwise authorized and shall be imprisoned for a term of at least twice the minimum term provided for the offense and up to twice the maximum term otherwise authorized.

(4) Notwithstanding any other law to the contrary, the minimum terms imposed under this section shall not be reduced or suspended nor shall the defendant be eligible for electronic monitoring, house arrest or intensive supervision.

MISSOURI

Mo. Ann. Stat. § 570.027

1. A person commits the offense of vehicle hijacking when he or she knowingly uses or threatens the use of physical force upon another person to seize or attempt to seize possession or control of a vehicle, as defined in section 302.010, from the immediate possession or control of another person.
2. The offense of vehicle hijacking is a class B felony unless it meets one of the criteria listed in subsection 3 of this section.
3. The offense of vehicle hijacking is a class A felony if, in the course thereof, a person or another participant in the offense:
 - (1) Causes serious physical injury to any person in immediate possession, control, or presence of the vehicle;
 - (2) Is armed with a deadly weapon;
 - (3) Uses or threatens the immediate use of a dangerous instrument against any person;
 - (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or
 - (5) Seizes a vehicle, or attempts to seize a vehicle, in which a child or special victim as defined in section 565.002 is present.

Mo. Ann. Stat. § 558.011

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:
 - (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
 - (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;
 - (3) For a class C felony, a term of years not less than three years and not to exceed ten years;
 - (4) For a class D felony, a term of years not to exceed seven years;
 - (5) For a class E felony, a term of years not to exceed four years;
 - (6) For a class A misdemeanor, a term not to exceed one year;
 - (7) For a class B misdemeanor, a term not to exceed six months;
 - (8) For a class C misdemeanor, a term not to exceed fifteen days.
2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.
3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.
 - (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

- (a) One-third for terms of nine years or less;
- (b) Three years for terms between nine and fifteen years;
- (c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) **“Conditional release”** means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

NEW JERSEY

N.J. Stat. Ann. § 2C:15-2

a. Carjacking defined. A person is guilty of carjacking if in the course of committing an unlawful taking of a motor vehicle, as defined in R.S.39:1-1, or in an attempt to commit an unlawful taking of a motor vehicle he:

- (1) inflicts bodily injury or uses force upon an occupant or person in possession or control of a motor vehicle;
- (2) threatens an occupant or person in control with, or purposely or knowingly puts an occupant or person in control of the motor vehicle in fear of, immediate bodily injury;
- (3) commits or threatens immediately to commit any crime of the first or second degree; or
- (4) operates or causes said vehicle to be operated with the person who was in possession or control or was an occupant of the motor vehicle at the time of the taking remaining in the vehicle.

An act shall be deemed to be “in the course of committing an unlawful taking of a motor vehicle” if it occurs during an attempt to commit the unlawful taking of a motor vehicle or during an immediate flight after the attempt or commission.

b. Grading. Carjacking is a crime of the first degree and upon conviction thereof a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between 10 and 30 years. A person convicted of carjacking shall be sentenced to a term of imprisonment and that term of imprisonment shall include the imposition of a minimum term of at least five years during which the defendant shall be ineligible for parole.

PENNSYLVANIA

18 Pa. Stat. and Cons. Stat. Ann. § 3702

(a) Offense defined.--A person commits a felony of the first degree if he steals or takes a motor vehicle from another person in the presence of that person or any other person in lawful possession of the motor vehicle.

(b) Sentencing.--The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section.

18 Pa. Stat. and Cons. Stat. Ann. § 1103

Except as provided in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses), a person who has been convicted of a felony may be sentenced to imprisonment as follows:

- (1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.
- (2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.
- (3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.

RHODE ISLAND

11 R.I. Gen. Laws Ann. § 11-39-2

(a) Every person who shall unlawfully seize a motor vehicle from its lawful owner, lessor, or occupant by use or threat of use of a dangerous weapon against the owner, lessor, or occupant resulting in serious bodily injury, as defined in § 11-5-10.2, shall be guilty of first degree robbery and shall be imprisoned for not less than ten (10) years and may be imprisoned for life, or fined not more than fifteen thousand dollars (\$15,000), or both. In all such cases, the justice imposing sentence shall impose a minimum sentence of ten (10) years imprisonment and may only impose a sentence less than the minimum if he or she finds that substantial and compelling circumstances exist which justify imposition of the alternative sentence. That finding may be based upon the character and background of the defendant, the cooperation of the defendant with law enforcement authorities, the nature and circumstances of the offense, and/or the nature and quality of the evidence presented at trial. If a sentence which is less than imprisonment for a term of ten (10) years is imposed, the trial justice shall set forth on the record the circumstances which he or she found as justification for imposition of the lesser sentence. A person sentenced to prison for violation of this subsection shall not be eligible for parole until at least one-half (1/2) of the sentence has been served in prison.

(b) Every person who shall unlawfully seize a motor vehicle from its lawful owner, lessor, or occupant by force or threat of force against the owner, lessor, or occupant shall be guilty of second degree robbery and shall be imprisoned for not less than five (5) years nor more than thirty (30) years, or fined not more than ten thousand dollars (\$10,000), or both.

(c) Every person who shall commit robbery of a motor vehicle by seizing it from its lawful owner, lessor, or occupant under the circumstances set forth in subsection (a) or (b) of this section, resulting in the death of the owner, lessor or occupant, shall be guilty of first degree murder and shall be sentenced to life imprisonment, and may be sentenced to life imprisonment without parole if ordered by the court pursuant to chapter 19.2 of title 12. A person sentenced to life imprisonment for violation of this subsection shall not be eligible for parole until at least twenty (20) years of the sentence has been served in prison.

SOUTH CAROLINA

S.C. Code Ann. § 16-3-1075

(A) For purposes of this section, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) A person is guilty of the felony of carjacking who takes, or attempts to take, a motor vehicle from another person by force and violence or by intimidation while the person is operating the vehicle or while the person is in the vehicle. Upon conviction for this offense, a person must:

- (1) be imprisoned not more than twenty years; or
- (2) if great bodily injury results, be imprisoned not more than thirty years.

TENNESSEE

Tenn. Code Ann. § 39-13-404

- (a) “Carjacking” is the intentional or knowing taking of a motor vehicle from the possession of another by use of:
 - (1) A deadly weapon; or
 - (2) Force or intimidation.
- (b) Carjacking is a Class B felony.

Tenn. Code Ann. § 40-35-105

- (a) A standard offender is a defendant not sentenced as:
 - (1) A multiple offender, as defined by § 40-35-106;
 - (2) A persistent offender, as defined by § 40-35-107;
 - (3) A career offender, as defined by § 40-35-108;
 - (4) An especially mitigated offender, as defined by § 40-35-109; or
 - (5) A repeat violent offender, as defined by § 40-35-120.
- (b) The sentence for a standard offender is within Range I.
- (c) If the judgment of conviction does not include a sentence range, it shall be returned to the sentencing court to be completed.

Tenn. Code Ann. § 40-35-112

- (a) A Range I sentence is as follows:
 - (1) For a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years;
 - (2) For a Class B felony, not less than eight (8) nor more than twelve (12) years;
 - (3) For a Class C felony, not less than three (3) nor more than six (6) years;
 - (4) For a Class D felony, not less than two (2) nor more than four (4) years; and
 - (5) For a Class E felony, not less than one (1) nor more than two (2) years.
- (b) A Range II sentence is as follows:
 - (1) For a Class A felony, not less than twenty-five (25) nor more than forty (40) years;
 - (2) For a Class B felony, not less than twelve (12) nor more than twenty (20) years;
 - (3) For a Class C felony, not less than six (6) nor more than ten (10) years;
 - (4) For a Class D felony, not less than four (4) nor more than eight (8) years; and
 - (5) For a Class E felony, not less than two (2) nor more than four (4) years.
- (c) A Range III sentence is as follows:
 - (1) For a Class A felony, not less than forty (40) nor more than sixty (60) years;
 - (2) For a Class B felony, not less than twenty (20) nor more than thirty (30) years;
 - (3) For a Class C felony, not less than ten (10) nor more than fifteen (15) years;
 - (4) For a Class D felony, not less than eight (8) nor more than twelve (12) years; and
 - (5) For a Class E felony, not less than four (4) nor more than six (6) years.

Tenn. Code Ann. § 40-35-210

- (a) At the conclusion of the sentencing hearing, the court shall first determine the appropriate range of sentence.
- (b) To determine the specific sentence and the appropriate combination of sentencing alternatives that shall be imposed on the defendant, the court shall consider the following:
- (1) The evidence, if any, received at the trial and the sentencing hearing;
 - (2) The presentence report;
 - (3) The principles of sentencing and arguments as to sentencing alternatives;
 - (4) The nature and characteristics of the criminal conduct involved;
 - (5) Evidence and information offered by the parties on the mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114;
 - (6) Any statistical information provided by the administrative office of the courts as to sentencing practices for similar offenses in Tennessee;
 - (7) Any statement the defendant wishes to make on the defendant's own behalf about sentencing; and
 - (8) The result of the validated risk and needs assessment conducted by the department and contained in the presentence report.
- (c) The court shall impose a sentence within the range of punishment, determined by whether the defendant is a mitigated, standard, persistent, career or repeat violent offender. In imposing a specific sentence within the range of punishment, the court shall consider, but is not bound by, the following advisory sentencing guidelines:
- (1) The minimum sentence within the range of punishment is the sentence that should be imposed, because the general assembly set the minimum length of sentence for each felony class to reflect the relative seriousness of each criminal offense in the felony classifications; and
 - (2) The sentence length within the range should be adjusted, as appropriate, by the presence or absence of mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114.
- (d) The sentence length within the range should be consistent with the purposes and principles of this chapter.
- (e)(1) In order to ensure fair and consistent sentencing, at a sentencing hearing the court shall place on the record, either orally or in writing, the following:
- (A) What enhancing or mitigating factors were considered, if any;
 - (B) The reasons for the sentence; and
 - (C) For a sentence of continuous confinement, the estimated number of years and months the defendant will serve before becoming eligible for release.
- (2) The department of correction shall provide the court with a form to assist in determining the estimation referenced in subdivision (e)(1)(C).
- (3) The estimation provided pursuant to subdivision (e)(1)(C) is not a basis for post-conviction relief or for a direct appeal of the defendant's sentence.
- (f) A sentence must be based on evidence in the record of the trial, the sentencing hearing, the presentence report, the validated risk and needs assessment, and the record of prior felony convictions filed by the district attorney general with the court, as required by § 40-35-202(a).

(g) When the court accepts a plea of guilty or nolo contendere or imposes a sentence on a defendant who has been convicted of a felony offense that occurred on or after July 1, 2021, the court shall specify in its order that the defendant may be subject to an additional year of mandatory reentry supervision pursuant to § 40-35-506 if, at the time of release, the defendant is not an eligible inmate as defined in § 40-35-506.

UTAH

Utah Code Ann. § 76-6-301

- (1)(a) As used in this section, an act is considered to be “in the course of committing a theft or unauthorized possession of property” if the act occurs:
- (i) in the course of an attempt to commit theft or unauthorized possession of property;
 - (ii) in the commission of theft or unauthorized possession of property; or
 - (iii) in the immediate flight after the attempt or commission.
- (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits robbery if the actor:
- (a) unlawfully and intentionally takes or attempts to take personal property in the possession of an individual from the individual's person, or immediate presence, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently or temporarily of the personal property; or
 - (b) intentionally or knowingly uses force or fear of immediate force against an individual in the course of committing a theft or unauthorized possession of property.
- (3) A violation of Subsection (2) is a second degree felony.

Utah Code Ann. § 76-6-302

- (1)(a) As used in this section, an act is considered to be “in the course of committing a robbery” if the act occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of a robbery.
- (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits aggravated robbery if in the course of committing a robbery, the actor:
- (a) uses or threatens to use a dangerous weapon;
 - (b) causes serious bodily injury to another individual; or
 - (c) takes or attempts to take an operable motor vehicle.
- (3) A violation of Subsection (2) is a first degree felony.

Utah Code Ann. § 76-3-203

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

- (1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.
- (2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.
- (3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

VIRGINIA

Va. Code Ann. § 18.2-58.1

A. Any person who commits carjacking, as herein defined, shall be guilty of a felony punishable by imprisonment for life or a term not less than fifteen years.

B. As used in this section, “carjacking” means the intentional seizure or seizure of control of a motor vehicle of another with intent to permanently or temporarily deprive another in possession or control of the vehicle of that possession or control by means of partial strangulation, or suffocation, or by striking or beating, or by other violence to the person, or by assault or otherwise putting a person in fear of serious bodily harm, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever. “Motor vehicle” shall have the same meaning as set forth in § 46.2-100.

C. The provisions of this section shall not preclude the applicability of any other provision of the criminal law of the Commonwealth which may apply to any course of conduct which violates this section.

WISCONSIN

Wis. Stat. Ann. § 943.231

(1) Whoever, while possessing a dangerous weapon and by the use of, or the threat of the use of, force or the weapon against another, intentionally takes any vehicle without the consent of the owner is guilty of a Class B felony.

(2) Whoever, by the use of force against another or by the threat of the use of force against another, intentionally takes any vehicle without the consent of the owner is guilty of a Class E felony.

(3) Whoever knows that the owner does not consent to the driving or operation of a vehicle and intentionally accompanies, as a passenger in the vehicle, a person while he or she violates sub. (1) is guilty of a Class A misdemeanor.