



Second Draft of Report #41 -  
Ordinal Ranking of  
Maximum Imprisonment Penalties

SUBMITTED FOR ADVISORY GROUP REVIEW  
February 19, 2020

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION  
441 FOURTH STREET, NW, SUITE 1C001 SOUTH  
WASHINGTON, DC 20001  
PHONE: (202) 442-8715  
[www.ccrdc.dc.gov](http://www.ccrdc.dc.gov)

This Draft Report contains recommended reforms to District of Columbia criminal statutes for review by the D.C. Criminal Code Reform Commission's statutorily designated Advisory Group. A copy of this document and a list of the current Advisory Group members may be viewed on the website of the D.C. Criminal Code Reform Commission at [www.ccrdc.dc.gov](http://www.ccrdc.dc.gov).

Any Advisory Group member may submit written comments on any aspect of this Draft Report to the D.C. Criminal Code Reform Commission. The Commission will consider all written comments that are timely received from Advisory Group members. Additional versions of this Draft Report may be issued for Advisory Group review, depending on the nature and extent of the Advisory Group's written comments. The D.C. Criminal Code Reform Commission's final recommendations to the Council and Mayor for comprehensive criminal code reform will be based on the Advisory Group's timely written comments and approved by a majority of the Advisory Group's voting members.

The deadline for the Advisory Group's written comments on this Second Draft of Report #41, *Ordinal Ranking of Maximum Imprisonment Penalties*, is Wednesday, April 15, 2020 (8 weeks). Oral comments and written comments received after this date may not be reflected in the next draft or final recommendations. All written comments received from Advisory Group members will be made publicly available and provided to the Council on an annual basis.

This report presents for Advisory Group comment a second draft of recommendations for the ordinal ranking of the maximum imprisonment penalties for RCC offenses. This is a critical step toward developing recommendations for proportionate imprisonment penalties.<sup>1</sup>

These draft recommendations are presented in the form of a spreadsheet, below. Rows of the sheet present discrete RCC offenses, offense gradations and offense-specific enhancements. Every RCC offense drafted to-date is listed, by RCC citation and name. Columns of the sheet present, besides the RCC citation and name, a classification and a graphical display of that classification. Classifications range from 1-9 for felonies (over 1 year) and A-E for misdemeanors (1 year or less). For convenience of review, one sheet of the spreadsheet is ordered by the RCC citation, a second sheet of the same data is ordered by the proposed class. Yellow highlighting indicates new classifications since the first draft, either because the offenses/gradations are altogether new since the first draft or because the CCRC has amended the prior recommendation in the first draft. Where a prior recommendation in the first draft has been amended, orange highlighting denotes the first draft (prior) ranking.

Like the First Draft of Report #41, the present report contains two models of possible absolute maximum imprisonment penalties for statutory penalties. These models are an aid to evaluation of the relative rankings only. A new report with a CCRC recommendation about absolute maximums and minimum penalties, mandatory and statutory, will be issued in the near future (mid-March), prior to the time that written comments are due on this report.

Unlike the First Draft of Report #41, the present report does not contain separate notations for which offenses are jury demandable. A new report with a CCRC recommendation about jury demandability will be issued in the near future (less than two weeks), prior to the time that written comments are due on this report.

Please assume offense elements are the same as in the latest RCC draft recommendations when providing comments on this report. See First Draft of Report #50, Cumulative Update to the Revised Criminal Code (February 19, 2020). The CCRC appreciates that developing such recommendations requires consideration of a large and complex number of considerations about the overall RCC and sentencing considerations, and that other aspects of the RCC are still subject to change. Nonetheless, assessing the relative severity of RCC offenses as currently drafted is a discrete, achievable, very useful step toward developing final recommendations on penalties.

Comments may be made separately on this report (ordinal ranking of penalty classes) and the forthcoming report on absolute numbers for penalty classes, or comments

---

<sup>1</sup> D.C. Code § 3-152(a) (“[T]he Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: ... (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties;”).

on the penalty for specific offenses may be made as a combination of the class and the punishment for that class. However, to the extent that the latter approach is taken, comments are particularly welcome on how the penalty for a specific offense should compare to other offenses.

Please explain the basis of any changes that are suggested in comments on this report. Under separate cover, the CCRC has provided various data sources that you may wish to consider as part of your review and may provide evidence in support of your comments. See: Advisory Group Memo #26 – DC Code Statutory Penalties and Voluntary Sentencing Guidelines; Advisory Group Memo #27 – Public Opinion Surveys on Ordinal Ranking of Offenses; and Advisory Group Memorandum #28 - Statistics on District Adult Criminal Charges and Convictions. However, the CCRC would particularly welcome other data (e.g. particular District cases) that may aid the agency’s efforts to evaluate proportionality.

CCRC Responses to Advisory Group comments on the First Draft of Report #41 (Oct. 3, 2019) have been included in Appendix D1 to the First Draft of Report #50, Cumulative Update to the Revised Criminal Code (February 19, 2020).

Time permitting, in the coming months the CCRC plans to issue commentary regarding key penalty classifications in this report.

Thank you for your review of these matters.

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
Model 1			80Y- 960M	60Y - 720M	40Y- 480M	30Y- 360M	20Y- 240M	15Y- 180M	10Y- 120M	5Y- 60M	3Y- 36M	1Y- 12M	0Y- 6M	0Y- 3M	0Y- 1M	0Y- 0M
Model 2			60Y - 720M	50Y- 600M	32Y- 384M	24Y- 288M	18Y- 216M	12Y- 144M	8Y- 96M	4Y- 48M	2Y- 24M	1Y- 12M	0Y- 6M	0Y- 1M	0Y- 10D	0Y- 0M
210	Accomplice															
301	Attempt (50% of Predicate)															
302	Solicitation (50% of Predicate)															
303	Conspiracy (50% of Predicate)															
606	Misdemeanor Repeat Offender Enhancement															
606	Felony Repeat Offender Enhancement															
606	Crime of Violence Repeat Offender Enhancement															
607	Hate Crime Enhancement															
608	Misdemeanor Pretrial Release															
608	Felony Pretrial Release															
608	Crime of Violence Pretrial Release															
1101	Enhanced 1st Murder	1	x													
1101	1st Murder	2		x												
1101	Enhanced 2nd Murder	3			x											
1101	2nd Murder	4				x										
1102	Enhanced Vol. Manslaughter	4				x										
1102	Vol. Manslaughter	5					x									
1102	Enhanced Invol. Manslaughter	6						x								
1102	Invol. Manslaughter	7							x							
1103	Negligent Homicide	8								x						
1201	1st Robbery	5					x									
1201	2nd Robbery	6						x								
1201	3rd Robbery	7							x							
1201	4th Robbery	8								x						
1201	5th Robbery	9									x					
1202	1st Assault	6						x								
1202	2nd Assault	7							x							
1202	3rd Assault	8								x						
1202	4th Assault	9									x					
1202	5th Assault	A										x				
1202	6th Assault	B											x			
1203	Enhanced 1st Menacing	8								x						
1203	1st Menacing	9									x					
1203	Enhanced 2nd Menacing	A										x				
1203	2nd Menacing	B											x			
1204	1st Threats	B												x		
1204	2nd Threats	C													x	
1205	1st Offensive Physical Contact	B													x	
1205	2nd Offensive Physical Contact	C														x
1205	3rd Offensive Physical Contact	D														x

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-1M
Model 1			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
1801	Enhanced Stalking	9									x					
1801	Stalking	A										x				
1301	Enhanced 1st Sex Assault	3			x											
1301	1st Sex Assault	4				x										
1301	Enhanced 2nd Sex Assault	4				x										
1301	2nd Sex Assault	5					x									
1301	Enhanced 3rd Sex Assault	6						x								
1301	3rd Sex Assault	7							x							
1301	Enhanced 4th Sex Assault	7							x							
1301	4th Sex Assault	8								x						
1302	Enhanced 1st Sex Abuse of Minor	3			x											
1302	1st Sex Abuse of Minor	4				x										
1302	Enhanced 2nd Sex Abuse of Minor	4				x										
1302	2nd Sex Abuse of Minor	5					x									
1302	Enhanced 3rd Sex Abuse of Minor	5					x									
1302	3rd Sex Abuse of Minor	6						x								
1302	Enhanced 4th Sex Abuse of Minor	5					x									
1302	4th Sex Abuse of Minor	6						x								
1302	Enhanced 5th Sex Abuse of Minor	6						x								
1302	5th Sex Abuse of Minor	7							x							
1302	Enhanced 6th Sex Abuse of Minor	7							x							
1302	6th Sex Abuse of Minor	8								x						
1303	1st Sex Exploitation Adult	7							x							
1303	2nd Sex Exploitation Adult	8								x						
1304	Sexually Suggestive Conduct with a Minor	A										x				
1305	Enticing a Minor Into Sexual Conduct	8								x						
1306	Arranging for Sexual Conduct with a Minor	8								x						
1307	1st Nonconsensual Sexual Conduct	9									x					
1307	2nd Nonconsensual Sexual Conduct	A										x				
1401	Aggravated Kidnapping	4				x										
1401	Kidnapping	5					x									
1402	Aggravated Criminal Restraint	8									x					
1402	Criminal Restraint	A										x				
1501	1st Criminal Abuse of Minor	6						x								
1501	2nd Criminal Abuse of Minor	8								x						
1501	3rd Criminal Abuse of Minor	9									x					
1502	1st Criminal Neglect of Minor	8								x						
1502	2nd Criminal Neglect of Minor	A										x				
1502	3rd Criminal Neglect of Minor	B											x			
1503	1st Criminal Abuse of a Vulnerable Adult or Elderly Person	6						x								

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-10D
Model 1			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
Model 2																
1503	2nd Criminal Abuse of a Vulnerable Adult or Elderly Person	8								X						
1503	3rd Criminal Abuse of a Vulnerable Adult or Elderly Person	9									X					
1504	1st Criminal Neglect of a Vulnerable Adult or Elderly Person	8								X						
1504	2nd Criminal Neglect of a Vulnerable Adult or Elderly Person	A										X				
1504	3rd Criminal Neglect of a Vulnerable Adult or Elderly Person	B											X			
1601	Enhanced Forced Labor or Services	4				X										
1601	Forced Labor or Services	5					X									
1602	Enhanced Forced Commercial Sex	3			X											
1602	Forced Commercial Sex	4				X										
1603	Enhanced Trafficking in Labor or Services	5					X									
1603	Trafficking in Labor or Services	6						X								
1604	Enhanced Trafficking in Commerical Sex	5					X									
1604	Trafficking in Commerical Sex	6						X								
1605	Enhanced Sex Trafficking of Minors	4				X										
1605	Sex Trafficking of Minors	5					X									
1606	1st Benefitting from Human Trafficking	6						X								
1606	2nd Benefitting from Human Trafficking	7							X							
1607	Misuse of Documents in Furtherance of Human Trafficking	8								X						
1608	1st Commercial Sex with a Trafficked Person	3			X											
1608	2nd Commercial Sex with a Trafficked Person	4				X										
2101	1st Theft (\$500000+)	7							X							
2101	2nd Theft (\$50000+)	8								X						
2101	3rd Theft (\$5000+)	9									X					
2101	4th Theft (\$500+)	A										X				
2101	5th Theft (Any)	C												X		
2102	Unauthorized Use of Property	D														X
2103	Unauthorized Use of Motor Vehicle	A										X				
2104	Shoplifting	D														X
2105	First Unlawful Creation or Possession Recording	C												X		
2105	Second Unlawful Creation or Possession Recording	D														X
2106	Unlawful Operation of Recording Device in Motion Picture Theater	D														X
2201	1st Fraud (\$500000+)	7							X							
2201	2nd Fraud (\$50000+)	8								X						
2201	3rd Fraud (\$5000+)	9									X					
2201	4th Fraud (\$500+)	A										X				
2201	5th Fraud (Any)	C												X		
2202	1st Payment Card Fraud (\$500000+)	7							X							
2202	2nd Payment Card Fraud (\$50000+)	8								X						
2202	3rd Payment Card Fraud (\$5000+)	9									X					
2202	4th Payment Card Fraud (\$500+)	A										X				

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
Model 1			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
Model 2																
2202	5th Payment Card Fraud (Any)	C														x
2203	1st Check Fraud	9				altn										
2203	2nd Check Fraud	C														x
2204	1st Forgery	8														
2204	2nd Forgery	9														
2204	3rd Forgery	A														
2205	1st Identity Theft (\$500000+)	7														
2205	2nd Identity Theft (\$50000+)	8														
2205	3rd Identity Theft (\$5000+)	9														
2205	4th Identity Theft (\$500+)	A														
2205	5th Identity Theft (Any)	C														
2207	1st Unlawful Labeling of Recording	C														
2207	2nd Unlawful Labeling of Recording	D														
2208	(\$500000+)	6														
2208	(\$50000+)	7														
2208	(\$5000+)	8														
2208	(\$500+)	9														
2208	(Any)	B														
2301	1st Extortion (\$500000+)	6														
2301	2nd Extortion (\$50000+)	7														
2301	3rd Extortion (\$5000+)	8														
2301	4th Extortion (\$500+)	9														
2301	5th Extortion (Any)	B														
2401	1st Possession of Stolen Property (\$500000+)	8														
2401	2nd Possession of Stolen Property (\$50000+)	9														
2401	3rd Possession of Stolen Property (\$5000+)	A														
2401	4th Possession of Stolen Property (\$500+)	B														
2401	5th Possession of Stolen Property (Any)	D														
2402	1st Trafficking Stolen Property (\$500000+)	7														
2402	2nd Trafficking Stolen Property (\$50000+)	8														
2402	3rd Trafficking Stolen Property (\$5000+)	9														
2402	4th Trafficking Stolen Property (\$500+)	A														
2402	5th Trafficking Stolen Property (Any)	C														
2403	1st Alteration of a Motor Vehicle Identification Number	9														
2403	2nd Alteration of a Motor Vehicle Identification Number	B														
2404	Alteration of Bicycle Identification Number	D														
2501	1st Arson	5														
2501	2nd Arson	7														
2501	3rd Arson	9														
2502	Reckless Burning	A														



Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
Model 1																
Model 2			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
2503	1st Criminal Damage to Property (\$500000+)	7							x							
2503	2nd Criminal Damage to Property (\$50000+)	8								x						
2503	3rd Criminal Damage to Property (\$5000+)	9									x					
2503	4th Criminal Damage to Property (\$500+)	A										x				
2503	5th Criminal Damage to Property (Any)	C												x		
2504	Criminal Graffiti	D													x	
2601	1st Trespass	B											x			
2601	2nd Trespass	C												x		
2601	3rd Trespass	D													x	
2701	Enhanced 1st Burglary	7							x							
2701	1st Burglary	8								x						
2701	Enhanced 2nd Burglary	8								x						
2701	2nd Burglary	9									x					
2701	Enhanced 3rd Burglary	9									x					
2701	3rd Burglary	A										x				
2702	Possession Tools to Commit Property Crime	D													x	
3401	1st Escape from Correctional Facility or Officer	8								x						
3401	2nd Escape from Correctional Facility or Officer	A										x				
3401	3rd Escape from Correctional Facility or Officer	C												x		
3402	Tampering with a Detection Device	B											x			
3403	1st Correctional Facility Contraband	9									x					
3403	2nd Correctional Facility Contraband	A										x				
4101	1st Possession of a Prohibited Weapon or Accessory (assault weapon)	8								x						
4101	2nd Possession of a Prohibited Weapon or Accessory (bump stock)	9									x					
4102	1st Carrying a Dangerous Weapon (firearm school zone)	8								x						
4102	2nd Carrying a Dangerous Weapon (firearm)	9									x					
4102	3rd Carrying a Dangerous Weapon (dang weap)	B											x			
4103	(explosive)	8								x						
4103	(firearm, imitation, dw)	A										x				
4104	1st Possession of a Dangerous Weapon During a Crime (firearm)	9									x					
4104	dw)	A										x				
4105	1st Possession of a Firearm by an Unauthorized Person (COV)	8								x						
4105	2nd Possession of a Firearm by an Unauthorized Person (other)	9									x					
4106	Negligent Discharge of Firearm	A										x				
4107	Alteration of a Firearm Identification Mark	A										x				
4111	Unlawful Sale of a Pistol	9									x					
4112	Unlawful Transfer of a Firearm	9									x					
4113	Sale of a Firearm Without a License	9									x					
4115	Unlawful Sale of a Firearm by a Licensed Dealer	A										x				
4116	Use of False Information for Purchase or Licensure of a Firearm	A										x				

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
Model 1			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
Model 2			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
4201	Disorderly Conduct	D													x	
4202	Public Nuisance	D													x	
4203	Blocking a Public Way	D													x	
4204	Unlawful Demonstration	D													x	
4301	Rioting	A										x				
4302	Failure to Disperse	D													x	
48-904.01a	1st Possession of a Controlled Substance (Schedule I)	C												x		
48-904.01a	2nd Possession of a Controlled Substance (Any)	D													x	
48-904.01b	Enhanced 1st Trafficking of a Controlled Substance	6						x								
48-904.01b	1st Trafficking of a Controlled Substance	7							x							
48-904.01b	Enhanced 2nd Trafficking of a Controlled Substance	7							x							
48-904.01b	2nd Trafficking of a Controlled Substance	8								x						
48-904.01b	Enhanced 3rd Trafficking of a Controlled Substance	8								x						
48-904.01b	3rd Trafficking of a Controlled Substance	9									x					
48-904.01b	Enhanced 4th Trafficking of a Controlled Substance	9									x					
48-904.01b	4th Trafficking of a Controlled Substance	A										x				
48-904.01b	Enhanced 5th Trafficking of a Controlled Substance	A										x				
48-904.01b	5th Trafficking of a Controlled Substance	B											x			
48-904.01c	Enhanced 1st Trafficking of a Counterfeit Substance	6						x								
48-904.01c	1st Trafficking of a Counterfeit Substance	7							x							
48-904.01c	Enhanced 2nd Trafficking of a Counterfeit Substance	7							x							
48-904.01c	2nd Trafficking of a Counterfeit Substance	8								x						
48-904.01c	Enhanced 3rd Trafficking of a Counterfeit Substance	8								x						
48-904.01c	3rd Trafficking of a Counterfeit Substance	9									x					
48-904.01c	Enhanced 4th Trafficking of a Counterfeit Substance	9									x					
48-904.01c	4th Trafficking of a Counterfeit Substance	A										x				
48-904.01c	Enhanced 5th Trafficking of a Counterfeit Substance	A										x				
48-904.01c	5th Trafficking of a Counterfeit Substance	B											x			
48-904.10	Possession of Drug Manufacturing Paraphernalia	D													x	
48-904.11	Trafficking of Drug Paraphernalia	D													x	
7-2502.01	Ammunition	A										x				
7-2502.01	Ammunition (bullets)	B											x			
7-2502.15	Possession of a Stun Gun	B											x			
7-2502.17	Carrying an Air or Spring Gun	D													x	
7-2507.02	Enhanced Unlawful Storage of a Firearm	9									x					
7-2507.02	Unlawful Storage of a Firearm	A										x				
7-2509.06	Carrying a Pistol in an Unlawful Manner (holstering)	D													x	
1312	Indecent Sexual Proposal to a Minor	8								x						
1313	Incest	A										x				
1802	Enhanced Electronic Stalking	9									x					

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Citation)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-10D
Model 1																
Model 2			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
1802	Electronic Stalking	A										x				
1803	Enhanced 1st Voyeurism	8								x						
1803	1st Voyeurism	9									x					
1803	Enhanced 2nd Voyeurism	A										x				
1803	2nd Voyeurism	B											x			
1804	Enhanced Unauthorized Disclosure of Sexual Recordings	9									x					
1804	Unauthorized Disclosure of Sexual Recordings	A										x				
1805	Distribution of an Obscene Image	C												x		
1806	Distribution of an Obscene Image to a Minor	B											x			
1807	1st Trafficking an Obscene Image of a Minor	7						x								
1807	2nd Trafficking an Obscene Image of a Minor	8								x						
1808	1st Possession of an Obscene Image of a Minor	8								x						
1808	2nd Possession of an Obscene Image of a Minor	9									x					
1809	1st Arranging a Live Performance of a Minor	7						x								
1809	2nd Arranging a Live Performance of a Minor	8								x						
1810	1st Attending a Live Performance of a Minor	8								x						
1810	2nd Attending a Live Performance of a Minor	9									x					
1811	Limitations on Liability for RCC Chapter 18 Offenses															
4205	Breach of Home Privacy	C												x		
4206	1st Indecent Exposure	B											x			
4206	2nd Indecent Exposure	C													x	
1403	Blackmail	8								x						
2210	1st Trademark Counterfeiting	A										x				
2210	2nd Trademark Counterfeiting	C												x		
16-1024	1st Parental Kidnapping	A										x				
16-1024	2nd Parental Kidnapping	B											x			
16-1024	3rd Parental Kidnapping	D													x	
16-1024	4th Parental Kidnapping	E														x
25-1001	Possession of an Open Container of Alcohol in a Motor Vehicle	C												x		

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
Model 1			80Y- 960M	60Y - 720M	40Y- 480M	30Y- 360M	20Y- 240M	15Y- 180M	10Y- 120M	5Y- 60M	3Y- 36M	1Y- 12M	0Y- 6M	0Y- 3M	0Y- 1M	0Y- 0M
Model 2			60Y - 720M	50Y- 600M	32Y- 384M	24Y- 288M	18Y- 216M	12Y- 144M	8Y- 96M	4Y- 48M	2Y- 24M	1Y- 12M	0Y- 6M	0Y- 1M	0Y- 10D	0Y- 0M
210	Accomplice															
301	Attempt (50% of Predicate)															
302	Solicitation (50% of Predicate)															
303	Conspiracy (50% of Predicate)															
606	Misdemeanor Repeat Offender Enhancement															
606	Felony Repeat Offender Enhancement															
606	Crime of Violence Repeat Offender Enhancement															
607	Hate Crime Enhancement															
608	Misdemeanor Pretrial Release															
608	Felony Pretrial Release															
608	Crime of Violence Pretrial Release															
1811	Limitations on Liability for RCC Chapter 18 Offenses															
1101	Enhanced 1st Murder	1	x													
1101	1st Murder	2		x												
1101	Enhanced 2nd Murder	3			x											
1301	Enhanced 1st Sex Assault	3			x											
1602	Enhanced Forced Commercial Sex	3			x											
1608	1st Commercial Sex with a Trafficked Person	3			x											
1302	Enhanced 1st Sex Abuse of Minor	3			x											
1101	2nd Murder	4				x										
1102	Enhanced Vol. Manslaughter	4				x										
1301	1st Sex Assault	4				x										
1301	Enhanced 2nd Sex Assault	4				x										
1302	1st Sex Abuse of Minor	4				x										
1401	Aggravated Kidnapping	4				x										
1601	Enhanced Forced Labor or Services	4				x										
1602	Forced Commercial Sex	4				x										
1605	Enhanced Sex Trafficking of Minors	4				x										
1608	2nd Commercial Sex with a Trafficked Person	4				x										
1302	Enhanced 2nd Sex Abuse of Minor	4				x										
1102	Vol. Manslaughter	5					x									
1201	1st Robbery	5					x									
1301	2nd Sex Assault	5					x									
1302	2nd Sex Abuse of Minor	5					x									
1401	Kidnapping	5					x									
1601	Forced Labor or Services	5					x									
1603	Enhanced Trafficking in Labor or Services	5					x									
1604	Enhanced Trafficking in Commercial Sex	5					x									
1605	Sex Trafficking of Minors	5					x									
2501	1st Arson	5					x									

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
Model 1																
Model 2			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
1302	Enhanced 3rd Sex Abuse of Minor	5					x									
1302	Enhanced 4th Sex Abuse of Minor	5					x									
1102	Enhanced Invol. Manslaughter	6						x								
1201	2nd Robbery	6						x								
1202	1st Assault	6						x								
1301	Enhanced 3rd Sex Assault	6						x								
1302	3rd Sex Abuse of Minor	6						x								
1302	4th Sex Abuse of Minor	6						x								
1501	1st Criminal Abuse of Minor	6						x								
1503	1st Criminal Abuse of a Vulnerable Adult or Elderly Person	6						x								
1603	Trafficking in Labor or Services	6						x								
1604	Trafficking in Commerical Sex	6						x								
1606	1st Benefitting from Human Trafficking	6						x								
2208	(\$500000+)	6						x								
2301	1st Extortion (\$500000+)	6						x								
48-904.01b	Enhanced 1st Trafficking of a Controlled Substance	6						x								
48-904.01c	Enhanced 1st Trafficking of a Counterfeit Substance	6						x								
1302	Enhanced 5th Sex Abuse of Minor	6						x								
1102	Invol. Manslaughter	7							x							
1201	3rd Robbery	7							x							
1202	2nd Assault	7							x							
1301	3rd Sex Assault	7							x							
1301	Enhanced 4th Sex Assault	7							x							
1302	5th Sex Abuse of Minor	7							x							
1303	1st Sex Exploitation Adult	7							x							
1606	2nd Benefitting from Human Trafficking	7							x							
1807	1st Trafficking an Obscene Image of a Minor	7							x							
1809	1st Arranging a Live Performance of a Minor	7							x							
2101	1st Theft (\$500000+)	7							x							
2201	1st Fraud (\$500000+)	7							x							
2202	1st Payment Card Fraud (\$500000+)	7							x							
2205	1st Identity Theft (\$500000+)	7							x							
2208	(\$50000+)	7							x							
2301	2nd Extortion (\$50000+)	7							x							
2402	1st Trafficking Stolen Property (\$500000+)	7							x							
2501	2nd Arson	7							x							
2503	1st Criminal Damage to Property (\$500000+)	7							x							
2701	Enhanced 1st Burglary	7							x							
48-904.01b	1st Trafficking of a Controlled Substance	7							x							
48-904.01b	Enhanced 2nd Trafficking of a Controlled Substance	7							x							

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
Model 1			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
Model 2																
48-904.01c	1st Trafficking of a Counterfeit Substance	7							x							
48-904.01c	Enhanced 2nd Trafficking of a Counterfeit Substance	7							x							
1302	Enhanced 6th Sex Abuse of Minor	7							x							
1103	Negligent Homicide	8								x						
1201	4th Robbery	8								x						
1202	3rd Assault	8								x						
1203	Enhanced 1st Menacing	8								x						
1301	4th Sex Assault	8								x						
1302	6th Sex Abuse of Minor	8								x						
1303	2nd Sex Exploitation Adult	8								x						
1305	Enticing a Minor Into Sexual Conduct	8								x						
1306	Arranging for Sexual Conduct with a Minor	8								x						
1312	Indecent Sexual Proposal to a Minor	8								x						
1402	Aggravated Criminal Restraint	8								x						
1403	Blackmail	8								x						
1501	2nd Criminal Abuse of Minor	8								x						
1502	1st Criminal Neglect of Minor	8								x						
1503	2nd Criminal Abuse of a Vulnerable Adult or Elderly Person	8								x						
1504	1st Criminal Neglect of a Vulnerable Adult or Elderly Person	8								x						
1607	Misuse of Documents in Furtherance of Human Trafficking	8								x						
1803	Enhanced 1st Voyeurism	8								x						
1807	2nd Trafficking an Obscene Image of a Minor	8								x						
1808	1st Possession of an Obscene Image of a Minor	8								x						
1809	2nd Arranging a Live Performance of a Minor	8								x						
1810	1st Attending a Live Performance of a Minor	8								x						
2101	2nd Theft (\$50000+)	8								x						
2201	2nd Fraud (\$50000+)	8								x						
2202	2nd Payment Card Fraud (\$50000+)	8								x						
2204	1st Forgery	8								x						
2205	2nd Identity Theft (\$50000+)	8								x						
2208	(\$5000+)	8								x						
2301	3rd Extortion (\$5000+)	8								x						
2401	1st Possession of Stolen Property (\$500000+)	8								x						
2402	2nd Trafficking Stolen Property (\$50000+)	8								x						
2503	2nd Criminal Damage to Property (\$50000+)	8								x						
2701	1st Burglary	8								x						
2701	Enhanced 2nd Burglary	8								x						
3401	1st Escape from Correctional Facility or Officer	8								x						
4101	1st Possession of a Prohibited Weapon or Accessory (assault weapon)	8								x						
4102	1st Carrying a Dangerous Weapon (firearm school zone)	8								x						

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
<b>Model 1</b>																
<b>Model 2</b>			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
4103	(explosive)	8								x						
4105	1st Possession of a Firearm by an Unauthorized Person (COV)	8								x						
48-904.01b	2nd Trafficking of a Controlled Substance	8								x						
48-904.01b	Enhanced 3rd Trafficking of a Controlled Substance	8								x						
48-904.01c	2nd Trafficking of a Counterfeit Substance	8								x						
48-904.01c	Enhanced 3rd Trafficking of a Counterfeit Substance	8								x						
1201	5th Robbery	9									x					
1202	4th Assault	9									x					
1203	1st Menacing	9									x					
1307	1st Nonconsensual Sexual Conduct	9									x					
1501	3rd Criminal Abuse of Minor	9									x					
1503	3rd Criminal Abuse of a Vulnerable Adult or Elderly Person	9									x					
1801	Enhanced Stalking	9									x					
1802	Enhanced Electronic Stalking	9									x					
1803	1st Voyeurism	9									x					
1804	Enhanced Unauthorized Disclosure of Sexual Recordings	9									x					
1808	2nd Possession of an Obscene Image of a Minor	9									x					
1810	2nd Attending a Live Performance of a Minor	9									x					
2101	3rd Theft (\$5000+)	9									x					
2201	3rd Fraud (\$5000+)	9									x					
2202	3rd Payment Card Fraud (\$5000+)	9									x					
2203	1st Check Fraud	9									x					
2204	2nd Forgery	9									x					
2205	3rd Identity Theft (\$5000+)	9									x					
2208	(\$500+)	9									x					
2301	4th Extortion (\$500+)	9									x					
2401	2nd Possession of Stolen Property (\$50000+)	9									x					
2402	3rd Trafficking Stolen Property (\$5000+)	9									x					
2403	1st Alteration of a Motor Vehicle Identification Number	9									x					
2501	3rd Arson	9									x					
2503	3rd Criminal Damage to Property (\$5000+)	9									x					
2701	2nd Burglary	9									x					
2701	Enhanced 3rd Burglary	9									x					
3403	1st Correctional Facility Contraband	9									x					
4101	2nd Possession of a Prohibited Weapon or Accessory (bump stock)	9									x					
4102	2nd Carrying a Dangerous Weapon (firearm)	9									x					
4104	1st Possession of a Dangerous Weapon During a Crime (firearm)	9									x					
4105	2nd Possession of a Firearm by an Unauthorized Person (other)	9									x					
4111	Unlawful Sale of a Pistol	9									x					
4112	Unlawful Transfer of a Firearm	9									x					

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
Model 1			80Y- 960M	60Y - 720M	40Y- 480M	30Y- 360M	20Y- 240M	15Y- 180M	10Y- 120M	5Y- 60M	3Y- 36M	1Y- 12M	0Y- 6M	0Y- 3M	0Y- 1M	0Y- 0M
Model 2			60Y - 720M	50Y- 600M	32Y- 384M	24Y- 288M	18Y- 216M	12Y- 144M	8Y- 96M	4Y- 48M	2Y- 24M	1Y- 12M	0Y- 6M	0Y- 1M	0Y- 10D	0Y- 0M
4113	Sale of a Firearm Without a License	9									x					
48-904.01b	3rd Trafficking of a Controlled Substance	9									x					
48-904.01b	Enhanced 4th Trafficking of a Controlled Substance	9									x					
48-904.01c	3rd Trafficking of a Counterfeit Substance	9									x					
48-904.01c	Enhanced 4th Trafficking of a Counterfeit Substance	9									x					
7-2507.02	Enhanced Unlawful Storage of a Firearm	9									x					
1202	5th Assault	A										x				
1203	Enhanced 2nd Menacing	A										x				
1304	Sexually Suggestive Conduct with a Minor	A										x				
1307	2nd Nonconsensual Sexual Conduct	A										x				
1313	Incest	A										x				
1402	Criminal Restraint	A										x				
1502	2nd Criminal Neglect of Minor	A										x				
1504	2nd Criminal Neglect of a Vulnerable Adult or Elderly Person	A										x				
1801	Stalking	A										x				
1802	Electronic Stalking	A										x				
1803	Enhanced 2nd Voyeurism	A										x				
1804	Unauthorized Disclosure of Sexual Recordings	A										x				
2101	4th Theft (\$500+)	A										x				
2103	Unauthorized Use of Motor Vehicle	A										x				
2201	4th Fraud (\$500+)	A										x				
2202	4th Payment Card Fraud (\$500+)	A										x				
2204	3rd Forgery	A										x				
2205	4th Identity Theft (\$500+)	A										x				
2210	1st Trademark Counterfeiting	A										x				
2401	3rd Possession of Stolen Property (\$5000+)	A										x				
2402	4th Trafficking Stolen Property (\$500+)	A										x				
2502	Reckless Burning	A										x				
2503	4th Criminal Damage to Property (\$500+)	A										x				
2701	3rd Burglary	A										x				
3401	2nd Escape from Correctional Facility or Officer	A										x				
3403	2nd Correctional Facility Contraband	A										x				
4103	(firearm, imitation, dw)	A										x				
4104	dw)	A										x				
4106	Negligent Discharge of Firearm	A										x				
4107	Alteration of a Firearm Identification Mark	A										x				
4115	Unlawful Sale of a Firearm by a Licensed Dealer	A										x				
4116	Use of False Information for Purchase or Licensure of a Firearm	A										x				
4301	Rioting	A										x				
16-1024	1st Parental Kidnapping	A										x				



Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-1M
Model 1																
Model 2			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
48-904.01b	4th Trafficking of a Controlled Substance	A										x				
48-904.01b	Enhanced 5th Trafficking of a Controlled Substance	A										x				
48-904.01c	4th Trafficking of a Counterfeit Substance	A										x				
48-904.01c	Enhanced 5th Trafficking of a Counterfeit Substance	A										x				
7-2502.01	Ammunition	A										x				
7-2507.02	Unlawful Storage of a Firearm	A										x				
1202	6th Assault	B											x			
1203	2nd Menacing	B											x			
1204	1st Threats	B											x			
1205	1st Offensive Physical Contact	B											x			
1502	3rd Criminal Neglect of Minor	B											x			
1504	3rd Criminal Neglect of a Vulnerable Adult or Elderly Person	B											x			
1803	2nd Voyeurism	B											x			
1806	Distribution of an Obscene Image to a Minor	B											x			
2208	(Any)	B											x			
2301	5th Extortion (Any)	B											x			
2401	4th Possession of Stolen Property (\$500+)	B											x			
2403	2nd Alteration of a Motor Vehicle Identification Number	B											x			
2601	1st Trespass	B											x			
3402	Tampering with a Detection Device	B											x			
4102	3rd Carrying a Dangerous Weapon (dang weap)	B											x			
4206	1st Indecent Exposure	B											x			
16-1024	2nd Parental Kidnapping	B											x			
48-904.01b	5th Trafficking of a Controlled Substance	B											x			
48-904.01c	5th Trafficking of a Counterfeit Substance	B											x			
7-2502.01	Ammunition (bullets)	B											x			
7-2502.15	Possession of a Stun Gun	B											x			
1204	2nd Threats	C												x		
1205	2nd Offensive Physical Contact	C												x		
1805	Distribution of an Obscene Image	C												x		
2101	5th Theft (Any)	C												x		
2105	First Unlawful Creation or Possession Recording	C												x		
2201	5th Fraud (Any)	C												x		
2202	5th Payment Card Fraud (Any)	C												x		
2203	2nd Check Fraud	C												x		
2205	5th Identity Theft (Any)	C												x		
2207	1st Unlawful Labeling of Recording	C												x		
2210	2nd Trademark Counterfeiting	C												x		
2402	5th Trafficking Stolen Property (Any)	C												x		
2503	5th Criminal Damage to Property (Any)	C												x		

Second Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties (Ordered by Severity)

RCC §	RCC Offense Name	RCC Class	1	2	3	4	5	6	7	8	9	A	B	C	D	E
			80Y-960M	60Y-720M	40Y-480M	30Y-360M	20Y-240M	15Y-180M	10Y-120M	5Y-60M	3Y-36M	1Y-12M	0Y-6M	0Y-3M	0Y-1M	0Y-0M
Model 1																
Model 2			60Y-720M	50Y-600M	32Y-384M	24Y-288M	18Y-216M	12Y-144M	8Y-96M	4Y-48M	2Y-24M	1Y-12M	0Y-6M	0Y-1M	0Y-10D	0Y-0M
2601	2nd Trespass	C												x		
3401	3rd Escape from Correctional Facility or Officer	C												x		
4205	Breach of Home Privacy	C												x		
4206	2nd Indecent Exposure	C													x	
25-1001	Possession of an Open Container of Alcohol in a Motor Vehicle	C												x		
48-904.01a	1st Possession of a Controlled Substance (Schedule I)	C												x		
1205	3rd Offensive Physical Contact	D													x	
2102	Unauthorized Use of Property	D													x	
2104	Shoplifting	D													x	
2105	Second Unlawful Creation or Possession Recording	D													x	
2106	Unlawful Operation of Recording Device in Motion Picture Theater	D													x	
2207	2nd Unlawful Labeling of Recording	D													x	
2401	5th Possession of Stolen Property (Any)	D													x	
2404	Alteration of Bicycle Identification Number	D													x	
2504	Criminal Graffiti	D													x	
2601	3rd Trespass	D													x	
2702	Possession Tools to Commit Property Crime	D													x	
4201	Disorderly Conduct	D													x	
4202	Public Nuisance	D													x	
4203	Blocking a Public Way	D													x	
4204	Unlawful Demonstration	D													x	
4302	Failure to Disperse	D													x	
16-1024	3rd Parental Kidnapping	D													x	
48-904.01a	2nd Possession of a Controlled Substance (Any)	D													x	
48-904.10	Possession of Drug Manufacturing Paraphernalia	D													x	
48-904.11	Trafficking of Drug Paraphernalia	D													x	
7-2502.17	Carrying an Air or Spring Gun	D													x	
7-2509.06	Carrying a Pistol in an Unlawful Manner (holstering)	D													x	
16-1024	4th Parental Kidnapping	E														x