



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

SUBMITTED FOR ADVISORY GROUP REVIEW
October 3, 2019

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION
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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.

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 First Draft of Report #41, *Ordinal Ranking of Maximum Imprisonment Penalties*, is Friday, November 15, 2019 (just over 6 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.

Staff Note. This report presents for Advisory Group comment a first draft of recommendations for the ordinal ranking of the maximum imprisonment penalties for RCC offenses. While the CCRC has developed many draft recommendations that would improve the proportionality of offenses, this is the agency's first step toward developing recommendations for specific offenses' imprisonment penalties.¹

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 offenses at or below a "B" misdemeanor classification, the report also denotes whether the offense is recommended to be jury demandable (denoted by a "J"), non-jury demandable (denoted by a "NJ"), or in special cases described in the statute jury demandable (denoted by a "**"). A few offenses at the "A" misdemeanor classification (also denoted by a "**") are recommended to be jury demandable with respect to attempts, but otherwise have no special designation when the attempt is non-jury demandable. 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.

Advisory Group comments on any aspect of the spreadsheet below are welcome, however, there are 4 aspects on which comment is specifically sought.

First, and most importantly, in what ways should the ordinal ranking of offenses be changed to better provide proportionate penalties? Advisory Group members may comment on the classification of a particular RCC offense or group of offenses, relative to others. Or, members may wish to submit their own sheet that reclassifies RCC offenses. If members' comments on classification are contingent on unresolved RCC matters (e.g. whether there will be a future RCC provision regarding merger of two offenses), that information is useful too. Throughout members' review of classifications, however, please assume offense elements are the same as in the latest RCC draft recommendation. While the drafting of RCC offense elements and other RCC provisions will continue to develop and change, to progress toward finalization of its recommendations it is important for the CCRC to identify an approximate classification of offenses' relative severity.²

¹ 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;").

² In fact, in commenting on the elements of specific offenses, some members have said that they cannot provide further comments without more information on the corresponding penalties. While recommendations about offense elements (and defenses and merger rules and all other aspects of the RCC) are related to penalties, conversely, decisions about penalties depend on offense elements. This chicken-egg problem defies a simple procedural approach to drafting. The CCRC needs to develop both in tandem, before either is finalized.

Second, in what way should the number of felony or misdemeanor classes be changed to better provide proportionate penalties? The sheet contains 14 classes, an addition of one more felony class compared to the draft recommendations in the First Draft of Report #5 Recommendations for Chapter 8 of the RCC – Offense Classes and Penalties (issued May 5, 2017). The sheet also contains two models of possible absolute maximum imprisonment penalties for statutory penalties, and these models differ somewhat from the model in the First Draft of Report #5. Throughout members’ review of classifications, however, please assume that the absolute numbers for statutory maxima of classes, whether issued here or previously, are samples only and no draft recommendation is being made at this point. If members believe the number of classes and the model of absolute maximum imprisonment penalties in the First Draft of Report #5 are preferable, or Model #1 or Model #2 in the current sheet, comments to that effect are welcome.³ Before turning to recommendations for absolute numbers, the CCRC is trying to establish the approximate spread and relative severity of RCC offenses.

Third, what offenses should be jury demandable or not jury demandable? The sheet marks recommendations as whether RCC misdemeanors at the levels A-E would be jury demandable. Class A misdemeanors, under any model, would presumably be at or near 1 year and constitutionally required to be jury demandable for the completed offense. However, it is not clear whether attempts to commit such Class A misdemeanors are jury demandable since attempts are generally penalized in the RCC at RCC § 22E-301(d)(1). Consequently, the sheet marks those offenses with an asterisk.⁴ Another question is to what extent lower-level misdemeanors are jury demandable, particularly any at or near the 6-month or 180-day level. The sheet marks several Class B-E offenses as being jury demandable, not jury demandable, or sometimes jury demandable.⁵ While jury demandability is linked to both ordinal rankings of penalties and the absolute numbers associated with penalty classes, and so is subject to change, the CCRC is providing recommendations as to jury demandability at this stage to increase the number of fixed variables moving forward.

³ Note that, if members submit their own classification scheme, they may not use a class at all, or use more classes.

⁴ Class A misdemeanors that are offenses against persons are recommended to be jury demandable with respect to attempts. Convictions for these offenses may turn on more subjective fact patterns that would benefit from evaluation by a broader array of community perspectives, and may be more likely to have immigration or other collateral consequences. Other Class A misdemeanors are not recommended to be jury demandable with respect to attempts, with the exception of rioting and first degree possession of an unregistered firearm. The rationale for these exceptions is the heightened civil liberties interest at stake. Please note that some of these Class A misdemeanors recommended to be jury demandable with respect to attempts were described as such in prior RCC draft commentary, but not all these misdemeanors.

⁵ The recommendations as to jury demandability for misdemeanors in classes B-E follow language in previously circulated draft RCC statutes and commentary with two exceptions. The current recommendations for Offensive Physical Contact (both degrees) and Sixth Degree Assault are that the offenses be jury demandable when the complainant is a law enforcement officer. This change addresses a number of concerns about the position judges are in when confronted with a law enforcement officer as a complainant, and ensures that conduct historically charged as assault of a police officer (APO) is jury demandable.

Fourth, what should be the dollar thresholds for theft and related offenses? The sheet recommends new dollar value thresholds for theft and related property offenses, specifying the relevant values after the name of the relevant RCC offense or gradation. The new dollar value thresholds are twice⁶ those in prior RCC recommendations, creating gradations for: \$0.01-\$499; \$500-4,999; \$5,000-49,999; \$50,000-499,999; and \$500,000+. These thresholds appear to align better with ordinal rankings of other offenses.

Please note that a variety of information will be part of future draft recommendations, but is not included in the present sheet. Such information includes:

- The effect on specific offenses' penalties of the general penalty enhancements in RCC Chapter 6 (e.g. repeat offender enhancements).
 - Because the Chapter 6 general penalty enhancements are applicable to all offenses, they are not expected to affect the ordinal rankings.
- Commentary entries on the new ordinal rankings and other recommendations.
 - The commentary accompanying the CCRC's final recommendations will address penalties in the same manner as other RCC provisions. The explanatory note and changes to District law section of the commentary for each offense will address penalties. RCC commentary will be updated at a future date to match these new recommendations in this Report regarding the number of penalty classes, jury demandability, and dollar value thresholds for theft and related property offenses.
- Relative rankings or absolute numbers for minimum imprisonment penalties.
 - It is expected that any statutory minima or mandatory minima will almost entirely track the ordinal ranking of imprisonment penalties. However, minima may not be recommended or there may be exceptions to their ranking.
- Relative rankings or absolute numbers for maximum fine penalties.
 - It is expected that fines will almost entirely track the ordinal ranking of imprisonment penalties. However, there may be exceptions.
- Absolute numbers for maximum imprisonment penalties.
 - As noted above, two new models of possible absolute numbers are presented in the sheet, and the "A" Class should be considered the highest misdemeanor under any model.

In providing your comments on matters raised in this report please explain the basis of any changes that you recommend. Under separate cover, the CCRC will provide various data sources that you may wish to consider as part of your review (e.g. felony rankings of current D.C. Code offenses in the D.C. Voluntary Sentencing Guidelines), but reference to any additional data or authority is welcome.

⁶ Compare to prior thresholds of: \$0.01-\$249; \$250-2,499; \$2,500-24,999; \$25,000-249,999; and \$250,000+.

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 in flux. Nonetheless, assessing the relative severity of RCC offenses as currently drafted is a discrete, achievable, very useful step toward developing final recommendations on penalties. Thank you for your review of these matters.

First 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															
606	Felony Repeat Offender Enhancement															
606	Crime of Violence Repeat Offender															
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										*				
1202	6th Assault	B											*			
1203	1st Menacing	9									x					
1203	2nd Menacing	A										*				
1204	1st Threats	B												J		
1204	2nd Threats	C													J	
1205	1st Offensive Physical Contact	B											*			

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1205	2nd Offensive Physical Contact	D													*	
1206	Enhanced Stalking	9									X					
1206	Stalking	A										*				
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	1st Sex Abuse of Minor	4				X										
1302	2nd Sex Abuse of Minor	5					X									
1302	3rd Sex Abuse of Minor	6						X								
1302	4th Sex Abuse of Minor	6						X								
1302	5th 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										*				
1305	Enticing a Minor Into Sexual Conduct	8								X						
1306	Arranging for Sexual Conduct with a	8								X						
1307	1st Nonconsensual Sexual Conduct	9									X					
1307	2nd Nonconsensual Sexual Conduct	A										*				
1401	Aggravated Kidnapping	4				X										
1401	Kidnapping	5					X									
1402	Aggravated Criminal Restraint	8								X						
1402	Criminal Restraint	A										*				
1501	1st Criminal Abuse of Minor	6						X								
1501	2nd Criminal Abuse of Minor	7							X							
1501	3rd Criminal Abuse of Minor	8								X						
1502	1st Criminal Neglect of Minor	8								X						
1502	2nd Criminal Neglect of Minor	9									X					
1502	3rd Criminal Neglect of Minor	A										*				
1503	1st Criminal Abuse of a Vulnerable Adult	6						X								
1503	2nd Criminal Abuse of a Vulnerable Adult	7							X							
1503	3rd Criminal Abuse of a Vulnerable Adult	8								X						
1504	1st Criminal Neglect of a Vulnerable	8								X						
1504	2nd Criminal Neglect of a Vulnerable	9									X					

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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																
1504	3rd Criminal Neglect of a Vulnerable	A										*				
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	8								x						
1608	1st Commercial Sex with a Trafficked	3			x											
1608	2nd Commercial Sex with a Trafficked	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												NJ		
2102	Unauthorized Use of Property	D														NJ
2103	Unauthorized Use of Motor Vehicle	A										x				
2104	Shoplifting	D														NJ
2105	First Unlawful Creation or Possession	B												NJ		
2105	Second Unlawful Creation or Possession	D														NJ
2106	Unlawful Operation of Recording Device	D														NJ
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												NJ		
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				
2202	5th Payment Card Fraud (Any)	C												NJ		
2203	1st Check Fraud	9									x					
2203	2nd Check Fraud	C												NJ		

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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																
2204	1st Forgery	8								x						
2204	2nd Forgery	9									x					
2204	3rd Forgery	A										x				
2205	1st Identity Theft (\$500000+)	7							x							
2205	2nd Identity Theft (\$50000+)	8								x						
2205	3rd Identity Theft (\$5000+)	9									x					
2205	4th Identity Theft (\$500+)	A										x				
2205	5th Identity Theft (Any)	C												NJ		
2207	1st Unlawful Labeling of Recording	B											NJ			
2207	2nd Unlawful Labeling of Recording	D													NJ	
2208	1st Financial Exploitation of a Vulnerable	6							x							
2208	2nd Financial Exploitation of a Vulnerable	7								x						
2208	3rd Financial Exploitation of a Vulnerable	8									x					
2208	4th Financial Exploitation of a Vulnerable	9										x				
2208	5th Financial Exploitation of a Vulnerable	B											NJ			
2301	1st Extortion (\$500000+)	6							x							
2301	2nd Extortion (\$50000+)	7								x						
2301	3rd Extortion (\$5000+)	8									x					
2301	4th Extortion (\$500+)	9										x				
2301	5th Extortion (Any)	B											NJ			
2401	1st Possession of Stolen Property	8									x					
2401	2nd Possession of Stolen Property	9										x				
2401	3rd Possession of Stolen Property	A											x			
2401	4th Possession of Stolen Property	B												NJ		
2401	5th Possession of Stolen Property (Any)	D													NJ	
2402	1st Trafficking Stolen Property	7								x						
2402	2nd Trafficking Stolen Property	8									x					
2402	3rd Trafficking Stolen Property (\$5000+)	9										x				
2402	4th Trafficking Stolen Property (\$500+)	A											x			
2402	5th Trafficking Stolen Property (Any)	C													NJ	
2403	1st Alteration of a Motor Vehicle	9										x				
2403	2nd Alteration of a Motor Vehicle	B											NJ			
2404	Alteration of Bicycle Identification	C													NJ	
2501	1st Arson	5						x								
2501	2nd Arson	7								x						
2501	3rd Arson	9										x				
2502	Reckless Burning	A											x			
2503	1st Criminal Damage to	7								x						
2503	2nd Criminal Damage to Property	8									x					

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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																
2503	3rd Criminal Damage to Property	9									x					
2503	4th Criminal Damage to Property (\$500+)	A										x				
2503	5th Criminal Damage to Property (Any)	C												NJ		
2504	Criminal Graffiti	D													NJ	
2601	1st Trespass	B											*			
2601	2nd Trespass	C												*		
2601	3rd Trespass	D													*	
2701	1st Burglary	8								x						
2701	2nd Burglary	9									x					
2701	3rd Burglary	A										x				
2702	Possession Tools to Commit Property	C												NJ		
3401	1st Escape from Correctional Facility or	8								x						
3401	2nd Escape from Correctional Facility or	A										x				
3401	3rd Escape from Correctional Facility or	C												NJ		
3402	Tampering with a Detection Device	B												NJ		
3403	1st Correctional Facility Contraband	9									x					
3403	2nd Correctional Facility Contraband	A										x				
4101	1st Possession of a Prohibited Weapon or	8								x						
4101	2nd Possession of a Prohibited Weapon or	9									x					
4102	1st Carrying a Dangerous Weapon	8								x						
4102	2nd Carrying a Dangerous Weapon	9									x					
4102	3rd Carrying a Dangerous Weapon (dang	B												NJ		
4103	1st Possession of a Dangerous Weapon	8								x						
4103	2nd Possession of a Dangerous Weapon	A										x				
4104	1st Possession of a Dangerous Weapon	9									x					
4104	2nd Possession of a Dangerous Weapon	A										x				
4105	1st Possession of a Firearm by an	9									x					
4105	2nd Possession of a Firearm by an	A										x				
4106	Negligent Discharge of Firearm	A										x				
4107	Alteration of a Firearm Identification	A										x				
4111	Unlawful Sale of a Pistol	A										x				
4112	Unlawful Transfer of a Firearm	A										x				
4113	Sale of a Firearm Without a License	A										x				
4115	Unlawful Sale of a Firearm by a Licensed	A										x				
4116	Use of False Information for Purchase or	A										x				
4201	Disorderly Conduct	C												NJ		
4202	Public Nuisance	D													NJ	
4203	Blocking a Public Way	D													NJ	
4204	Unlawful Demonstration	D													J	

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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																
4301	Rioting	A										*				
4302	Failure to Disperse	D													J	
48-904.01a	1st Possession of a Controlled Substance	C												NJ		
48-904.01a	2nd Possession of a Controlled Substance	D													NJ	
48-904.01b	Enhanced 1st Trafficking of a Controlled	6						x								
48-904.01b	1st Trafficking of a Controlled Substance	7							x							
48-904.01b	Enhanced 2nd Trafficking of a Controlled	7							x							
48-904.01b	2nd Trafficking of a Controlled Substance	8								x						
48-904.01b	Enhanced 3rd Trafficking of a Controlled	8								x						
48-904.01b	3rd Trafficking of a Controlled Substance	9									x					
48-904.01b	Enhanced 4th Trafficking of a Controlled	9									x					
48-904.01b	4th Trafficking of a Controlled Substance	A										x				
48-904.01b	Enhanced 5th Trafficking of a Controlled	A										x				
48-904.01b	5th Trafficking of a Controlled Substance	B											NJ			
48-904.01c	Enhanced 1st Trafficking of a Counterfeit	6						x								
48-904.01c	1st Trafficking of a Counterfeit Substance	7							x							
48-904.01c	Enhanced 2nd Trafficking of a Counterfeit	7							x							
48-904.01c	2nd Trafficking of a Counterfeit Substance	8								x						
48-904.01c	Enhanced 3rd Trafficking of a Counterfeit	8								x						
48-904.01c	3rd Trafficking of a Counterfeit Substance	9									x					
48-904.01c	Enhanced 4th Trafficking of a Counterfeit	9									x					
48-904.01c	4th Trafficking of a Counterfeit Substance	A										x				
48-904.01c	Enhanced 5th Trafficking of a Counterfeit	A										x				
48-904.01c	5th Trafficking of a Counterfeit Substance	B											NJ			
48-904.10	Possession of Drug Manufacturing	D													NJ	
48-904.11	Trafficking of Drug Paraphernalia	D													NJ	
7-2502.01	1st Possession of an Unregistered Firearm,	A										*				
7-2502.01	2nd Possession of an Unregistered	B											J			
7-2502.15	Possession of a Stun Gun	B											NJ			
7-2502.17	Carrying an Air or Spring Gun	D													NJ	
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	D													NJ	

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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
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	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	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 Commerical Sex	5					x									
1605	Sex Trafficking of Minors	5					x									
2501	1st Arson	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	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	1st Financial Exploitation of a Vulnerable	6						x								

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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
2301	1st Extortion (\$500000+)	6						x								
48-904.01b	Enhanced 1st Trafficking of a Controlled	6						x								
48-904.01c	Enhanced 1st Trafficking of a Counterfeit	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							
1501	2nd Criminal Abuse of Minor	7							x							
1503	2nd Criminal Abuse of a Vulnerable Adult	7							x							
1606	2nd Benefitting from Human Trafficking	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	2nd Financial Exploitation of a Vulnerable	7							x							
2301	2nd Extortion (\$50000+)	7							x							
2402	1st Trafficking Stolen Property	7							x							
2501	2nd Arson	7							x							
2503	1st Criminal Damage to	7							x							
48-904.01b	1st Trafficking of a Controlled Substance	7							x							
48-904.01b	Enhanced 2nd Trafficking of a Controlled	7							x							
48-904.01c	1st Trafficking of a Counterfeit Substance	7							x							
48-904.01c	Enhanced 2nd Trafficking of a Counterfeit	7							x							
1103	Negligent Homicide	8								x						
1201	4th Robbery	8								x						
1202	3rd Assault	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	8								x						
1402	Aggravated Criminal Restraint	8								x						
1501	3rd Criminal Abuse of Minor	8								x						
1502	1st Criminal Neglect of Minor	8								x						
1503	3rd Criminal Abuse of a Vulnerable Adult	8								x						

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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
1504	1st Criminal Neglect of a Vulnerable Adult	8								x						
1607	Misuse of Documents in Furtherance of	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	3rd Financial Exploitation of a Vulnerable	8								x						
2301	3rd Extortion (\$5000+)	8								x						
2401	1st Possession of Stolen Property	8								x						
2402	2nd Trafficking Stolen Property	8								x						
2503	2nd Criminal Damage to Property	8								x						
2701	1st Burglary	8								x						
3401	1st Escape from Correctional Facility or	8								x						
4101	1st Possession of a Prohibited Weapon or	8								x						
4102	1st Carrying a Dangerous Weapon (firearm	8								x						
4103	1st Possession of a Dangerous Weapon	8								x						
48-904.01b	2nd Trafficking of a Controlled Substance	8								x						
48-904.01b	Enhanced 3rd Trafficking of a Controlled	8								x						
48-904.01c	2nd Trafficking of a Counterfeit Substance	8								x						
48-904.01c	Enhanced 3rd Trafficking of a Counterfeit	8								x						
1201	5th Robbery	9									x					
1202	4th Assault	9									x					
1203	1st Menacing	9									x					
1206	Enhanced Stalking	9									x					
1307	1st Nonconsensual Sexual Conduct	9									x					
1502	2nd Criminal Neglect of Minor	9									x					
1504	2nd Criminal Neglect of a Vulnerable	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	4th Financial Exploitation of a Vulnerable	9									x					
2301	4th Extortion (\$500+)	9									x					
2401	2nd Possession of Stolen Property	9									x					
2402	3rd Trafficking Stolen Property (\$5000+)	9									x					

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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
2403	1st Alteration of a Motor Vehicle	9									x					
2501	3rd Arson	9									x					
2503	3rd Criminal Damage to Property	9									x					
2701	2nd Burglary	9									x					
3403	1st Correctional Facility Contraband	9									x					
4101	2nd Possession of a Prohibited Weapon or	9									x					
4102	2nd Carrying a Dangerous Weapon	9									x					
4104	1st Possession of a Dangerous Weapon	9									x					
4105	1st Possession of a Firearm by an	9									x					
48-904.01b	3rd Trafficking of a Controlled Substance	9									x					
48-904.01b	Enhanced 4th Trafficking of a Controlled	9									x					
48-904.01c	3rd Trafficking of a Counterfeit Substance	9									x					
48-904.01c	Enhanced 4th Trafficking of a Counterfeit	9									x					
7-2507.02	Enhanced Unlawful Storage of a Firearm	9									x					
1202	5th Assault	A										*				
1203	2nd Menacing	A										*				
1206	Stalking	A										*				
1304	Sexually Suggestive Conduct with a Minor	A										*				
1307	2nd Nonconsensual Sexual Conduct	A										*				
1402	Criminal Restraint	A										*				
1502	3rd Criminal Neglect of Minor	A										*				
1504	3rd Criminal Neglect of a Vulnerable	A										*				
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				
2401	3rd Possession of Stolen Property	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	A										x				
3403	2nd Correctional Facility Contraband	A										x				
4103	2nd Possession of a Dangerous Weapon	A										x				
4104	2nd Possession of a Dangerous Weapon	A										x				
4105	2nd Possession of a Firearm by an	A										x				

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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
4106	Negligent Discharge of Firearm	A										x				
4107	Alteration of a Firearm Identification Mark	A										x				
4111	Unlawful Sale of a Pistol	A										x				
4112	Unlawful Transfer of a Firearm	A										x				
4113	Sale of a Firearm Without a License	A										x				
4115	Unlawful Sale of a Firearm by a Licensed	A										x				
4116	Use of False Information for Purchase or	A										x				
4301	Rioting	A										*				
48-904.01b	4th Trafficking of a Controlled Substance	A										x				
48-904.01b	Enhanced 5th Trafficking of a Controlled	A										x				
48-904.01c	4th Trafficking of a Counterfeit Substance	A										x				
48-904.01c	Enhanced 5th Trafficking of a Counterfeit	A										x				
7-2502.01	1st Possession of an Unregistered Firearm,	A										*				
7-2507.02	Unlawful Storage of a Firearm	A										x				
1202	6th Assault	B											*			
1204	1st Threats	B											J			
1205	1st Offensive Physical Contact	B											*			
2105	First Unlawful Creation or Possession	B											NJ			
2207	1st Unlawful Labeling of Recording	B											NJ			
2208	5th Financial Exploitation of a Vulnerable	B											NJ			
2301	5th Extortion (Any)	B											NJ			
2401	4th Possession of Stolen Property (\$500+)	B											NJ			
2403	2nd Alteration of a Motor Vehicle	B											NJ			
2601	1st Trespass	B											*			
3402	Tampering with a Detection Device	B											NJ			
4102	3rd Carrying a Dangerous Weapon (dang	B											NJ			
48-904.01b	5th Trafficking of a Controlled Substance	B											NJ			
48-904.01c	5th Trafficking of a Counterfeit Substance	B											NJ			
7-2502.01	2nd Possession of an Unregistered	B											J			
7-2502.15	Possession of a Stun Gun	B											NJ			
1204	2nd Threats	C												J		
2101	5th Theft (Any)	C												NJ		
2201	5th Fraud (Any)	C												NJ		
2202	5th Payment Card Fraud (Any)	C												NJ		
2203	2nd Check Fraud	C												NJ		
2205	5th Identity Theft (Any)	C												NJ		
2402	5th Trafficking Stolen Property (Any)	C												NJ		
2404	Alteration of Bicycle Identification	C												NJ		

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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	5th Criminal Damage to Property (Any)	C													NJ	
2601	2nd Trespass	C													*	
2702	Possession Tools to Commit Property	C													NJ	
3401	3rd Escape from Correctional Facility or	C													NJ	
4201	Disorderly Conduct	C													NJ	
48-904.01a	1st Possession of a Controlled Substance	C													NJ	
1205	2nd Offensive Physical Contact	D														*
2102	Unauthorized Use of Property	D														NJ
2104	Shoplifting	D														NJ
2105	Second Unlawful Creation or Possession	D														NJ
2106	Unlawful Operation of Recording Device	D														NJ
2207	2nd Unlawful Labeling of Recording	D														NJ
2401	5th Possession of Stolen Property (Any)	D														NJ
2504	Criminal Graffiti	D														NJ
2601	3rd Trespass	D														*
4202	Public Nuisance	D														NJ
4203	Blocking a Public Way	D														NJ
4204	Unlawful Demonstration	D														J
4302	Failure to Disperse	D														J
48-904.01a	2nd Possession of a Controlled Substance	D														NJ
48-904.10	Possession of Drug Manufacturing	D														NJ
48-904.11	Trafficking of Drug Paraphernalia	D														NJ
7-2502.17	Carrying an Air or Spring Gun	D														NJ
7-2509.06	Carrying a Pistol in an Unlawful Manner	D														NJ
210	Accomplice															
301	Attempt (50% of Predicate)															
302	Solicitation (50% of Predicate)															
303	Conspiracy (50% of Predicate)															
606	Misdemeanor Repeat Offender															
606	Felony Repeat Offender Enhancement															
606	Crime of Violence Repeat Offender															
607	Hate Crime Enhancement															
608	Misdemeanor Pretrial Release															
608	Felony Pretrial Release															
608	Crime of Violence Pretrial Release															