

Concurrent and Consecutive Sentencing Practices of Certain States*, US Government and Other Countries

State	Default/Discretionary	Caveats/Limitations/Exceptions	Other
Alaska (AS 12.55.127)	Default consecutive <ul style="list-style-type: none"> • If sentenced to imprisonment under a separate judgment, amended judgment or probation revocation; • If defendant is sentenced to 2+ crimes in a single judgment, terms of imprisonment may be concurrent or partially concurrent. 	Mandatory consecutive terms: <ul style="list-style-type: none"> • Sentence for Escape will be consecutive to underlying crime; • Two or more Crimes Against Person offenses, a consecutive term shall be imposed for at least: <ul style="list-style-type: none"> ○ Any mandatory minimum terms; ○ 2 years or the active term of imprisonment, whichever is less, for each additional negligent homicide offense; ○ One-fourth of the presumptive term for each additional Sexual Assault 1, Sexual Assault of a Minor 1 offense (incl anticipatories); ○ Some additional term of imprisonment for each additional crime (incl anticipatories) for certain Crimes Against Person offenses. • A consecutive term shall be imposed for some additional term of imprisonment for each additional crime (incl anticipatories) for certain child pornography offenses. 	<p>“Some additional term of imprisonment” is interpreted by the courts to mean at least one day.</p> <p>In determining a defendant’s total composite sentence, including whether to run sentences consecutively or concurrently, the judge must consider the following factors (from AS 12.55.005):</p> <ul style="list-style-type: none"> • The seriousness of the defendant's present offense in relation to other offenses; • The prior criminal history of the defendant and the likelihood of rehabilitation; • The need to confine the defendant to prevent further harm to the public; • The circumstances of the offense and the extent to which the offense harmed the victim or endangered the public safety or order; • The effect of the sentence to be imposed in deterring the defendant or other members of society from future criminal conduct; • The effect of the sentence to be imposed as a community condemnation of the criminal act and as a reaffirmation of societal norms; and • The restoration of the victim and the community.

*Responses from an email request sent to members of the National Association of Sentencing Commissions.

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Delaware (Title 11, Section 3901(d))	Discretionary The court shall direct whether the sentence shall be made to run concurrently or consecutively with any other sentence imposed on the defendant.	Mandatory consecutive terms: <ul style="list-style-type: none"> • Abuse of a pregnant female 1st degree • Assault 1 • Murder 1 and 2 • Rape 1 and 2 • Sex offender unlawful sexual conduct against a child • Sexual abuse of a child by a person in a position of trust, authority or supervision 1st degree • Kidnapping 1 • Assault in a detention facility • Possession of a firearm during the commission of a felony 	
District of Columbia (DC Code § 23-112)	Discretionary The court has discretion to sentence everything else either consecutively or concurrently, including offenses sentenced on different days.	Mandatory consecutive terms: <ul style="list-style-type: none"> • Multiple crimes of violence: multiple victims in multiple events; multiple victims in one event; and one victim in multiple events for offenses sentenced on the same day. The term crime of violence for guideline purposes is identical to the crime of violence definition provide in D.C. Code 23-1331(4) • A sentence imposed for a new offense(s) committed while the defendant was under sentence must run consecutively to any sentence imposed as a result of revocation of probation, parole, or supervised release, or to the sentence being served at the time the new offense was committed. • For any offenses for which a consecutive sentence is required by statute. Mandatory concurrent terms:	Only one crime of violence per victim per event needs to be sentenced consecutively to the others. Everything else can be either consecutive or concurrent.

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		<ul style="list-style-type: none"> • Offenses that are not crimes of violence (including misdemeanors): multiple offenses in a single event, such as passing several bad checks that are sentenced on the same day. • Offenses for which a concurrent sentence is required by statute. 	
Illinois (730 ILCS 5/5-8-4)	Default concurrent Sentences shall run concurrently unless otherwise determined by the court.	Mandatory concurrent terms: <ul style="list-style-type: none"> • Court imposes multiple confinement sentences at the same time; • Defendant is already sentenced by an Illinois court, federal court or another state. • Defendant is serving misdemeanor sentence and sentenced to confinement for felony. Discretionary concurrent terms: <ul style="list-style-type: none"> • Court determines consecutive sentences are required to uphold public safety; • Aggravated False Personation of a Peace Officer offense; • False Personation of a Peace Office in attempting/committing a felony. Mandatory consecutive terms: <ul style="list-style-type: none"> • Murder 1 • Certain sexual assault offenses • Certain child pornography offenses • Certain offenses committed while armed • Conviction for Leaving Scene of a MV accident involving death/injury and either: <ul style="list-style-type: none"> ○ Aggravated DUI ○ Reckless homicide ○ Or both offenses • Concealment of Homicidal Death 	

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		<ul style="list-style-type: none"> • Dismembering a Human Body • Use of Stolen Firearm in Commission of Offense • If defendant was under DOC custody at time of offense • Escape or attempted escape • If offense committed while defendant was on pretrial release or pretrial detention • Battery against county correctional officer or sheriff's employee while serving sentence • Defendant commits new offense while on bond or in detention • Possession of Contraband while serving sentence or in pretrial detention • Bail Bond violation • Current sentence imposed by IL court and defendant subsequently sentenced by another state or federal court. The IL court may order the IL sentence run concurrently but only if defendant applies to IL court within 30 days after sentence. 	
Maryland (Title 9, Subtitle 2)	Discretionary If an offender is sentenced for more than one offense, the sentencing guidelines worksheet must indicate which sentences are concurrent and which are consecutive.	Mandatory consecutive terms: <ul style="list-style-type: none"> • Use of Assault Weapons offense; • Mfg, Distribute, or Dispense controlled dangerous substances near schools or on school vehicles; • An enhanced penalty under Abuse and Other Offensive Conduct section; • Sexual offense committed while serving a sentence; 	

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<p>Minnesota (Minn. Stat § 609.15)</p>	<p>Default Concurrent Minnesota statutes allow consecutive sentencing, but concurrent sentencing is the default if the judge doesn't specify.</p> <p>For the most part, concurrent/consecutive sentencing is primarily governed by sections 2.F and 6 of the Minnesota Sentencing Guidelines, rather than by statute.</p>	<ul style="list-style-type: none"> • Sexual offense committed while awaiting bail hearing, arraignment, trial or sentencing. <p>Mandatory consecutive terms:</p> <ul style="list-style-type: none"> • Certain DUI violations; • Assaults committed by prison inmates. <p>Discretionary consecutive terms:</p> <ul style="list-style-type: none"> • When sentenced for multiple misdemeanor and gross misdemeanor traffic offenses; • When current offense is DUI and previous offense is misdemeanor, gross misdemeanor, or felony for a violation other than DUI; 	<ul style="list-style-type: none"> • As a general rule, concurrent sentencing is presumptive (2.F) and the sentencing judge must articulate substantial and compelling reasons to sentence consecutively. • In some cases, consecutive sentencing is presumptive (2.F.1). <ul style="list-style-type: none"> ○ When the offender was in prison or on escape status at the time of the current offense. • In other cases, consecutive sentencing is permissive, meaning the judge has the option to sentence concurrently or consecutively; neither choice is considered a departure (2.F.2). <ul style="list-style-type: none"> ○ Typically, permissive consecutive sentencing occurs when both the current offense and the prior offense are crimes against the person (although the term “crimes against the person” is no longer used; to avoid ambiguity, eligible offenses are now enumerated in section 6).
<p>North Carolina (N.C.G.S. 15A-1340.15(a)) (N.C.G.S. 15A-1354(a))</p>	<p>Default Concurrent North Carolina sentences will automatically run concurrently unless the sentencing judge specifies that multiple sentences shall run consecutively.</p>	<p>Mandatory consecutive terms:</p> <ul style="list-style-type: none"> • Habitual felon offense • Violent habitual felon offense • Armed habitual felon offense • Habitual breaking and entering offense • Habitual impaired driving offense • Drug trafficking offense 	<p>Before accepting a plea of guilty or no contest, the Court must inform the defendant of the maximum possible sentence on the class of offense for which the defendant is being sentenced, including that possible from consecutive sentences</p>

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			Sentences for misdemeanor offenses may be run consecutively. However, the cumulative length of the imprisonment for consecutive misdemeanor sentences shall not exceed twice the maximum sentence authorized for the most serious offense. Consecutive sentences shall not be imposed if all convictions are for Class 3 misdemeanors
Ohio (Ohio Revised Code (RC) 2929.41)	Default Concurrent Ohio’s consecutive sentencing provisions generally guide judges towards the imposition of concurrent sentences but allow substantial discretion to impose consecutive circumstances when specified findings are made at sentencing.	Mandatory consecutive terms: <ul style="list-style-type: none"> • Possession of a firearm • Wearing body armor • Participating in a drive-by shooting • Certain crimes committed by an inmate or escapee from a detention facility • Aggravated Robbery of a deadly weapon from a LEO • Prison sentence for Theft of a firearm • Prison sentence for Failure to comply • Prison sentence for sexually violent predator Discretionary consecutive terms: <ul style="list-style-type: none"> • Person already sentenced to prison by federal government or another state • Misdemeanor DWLS or DUI with prison term for certain Veh Aslt, Veh Hom, or felony DUI • When the court finds a consecutive sentence is necessary to uphold public safety and includes one of the following: <ul style="list-style-type: none"> ○ Offense was committed while awaiting trial or sentencing or was under probation 	A court’s finding includes that “a consecutive sentence 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 offenders conduct and to the danger the offender poses to the public.”

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		<ul style="list-style-type: none"> ○ Harm caused by multiple offenses was so great that no single prison term adequately reflects the seriousness of the crime. ○ Person’s criminal history demonstrates consecutive sentences are necessary for public safety. 	
Utah (UC 76-3-401)	<p>Discretionary</p> <p>If a defendant is found guilty of more than one felony offense, the court shall determine whether to impose concurrent or consecutive sentences.</p> <p>In making the determination, the court shall consider:</p> <ul style="list-style-type: none"> ▪ Gravity and circumstances of offenses ▪ Number of victims ▪ History, character and rehabilitative needs of defendant 	<p>Mandatory consecutive terms:</p> <ul style="list-style-type: none"> ● If the later offense is committed while defendant is imprisoned/on parole, unless court finds consecutive sentence would be inappropriate. 	<p>If a consecutive sentence is imposed, the aggregate maximum of all sentences imposed may not exceed 30 years imprisonment. This limitation applies if defendant:</p> <ul style="list-style-type: none"> ○ Is sentenced at same time for more than one offense; ○ Is sentenced at different times for one or more offenses, all of which were committed prior to imposition of initial sentence; or ○ Has already been sentenced by a court other than the present sentencing court or by a court from another state or federal jurisdiction, and conduct giving rise to present offense did not occur after initial sentencing by any other court.
Washington (RCW 9.94A.589) (RCW 9.94A.533)	<p>Default Concurrent</p> <p>Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535.</p>	<p>Mandatory consecutive terms:</p> <ul style="list-style-type: none"> ● Certain cases with 2 or more serious violent offenses arising from separate and distinct criminal conduct; ● Unlawful Possession of a Firearm 1 or 2 <i>and</i> for either Theft of a Firearm or Possession of a Stolen Firearm; ● Felony DUI and Felony PC-DUI offenses shall be served consecutively to certain alcohol detection device violations; 	<p>Certain enhancements are required to run consecutively to all other sentencing provisions.</p>

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		<ul style="list-style-type: none"> • Violation of Ignition Interlock (GM) shall be served consecutively with certain alcohol detection device violations or felony DUI or felony PC-DUI offenses; • Circumventing Ignition Interlock (GM) shall be served consecutively to: <ul style="list-style-type: none"> ○ Certain alcohol detection device violations; ○ Felony DUI offenses; ○ Felony PC-DUI offenses; ○ Vehicular Assault - DUI offenses; ○ (GM) DUI – BAC of .08+. <p>Discretionary consecutive terms:</p> <ul style="list-style-type: none"> • When probation for a pre-SRA sentence is revoked and a prison sentence imposed, the sentence shall be served consecutively to any sentence imposed unless the court expressly orders that they be served concurrently. 	
<p>US Federal Government</p> <p>(18 U.S. Code § 3584 - Multiple sentences of imprisonment U.S. Code US Law LII / Legal Information Institute (cornell.edu))</p>	<p>Discretionary</p> <p>If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively.</p>	<p>Mandatory consecutive terms:</p> <ul style="list-style-type: none"> • Multiple terms of imprisonment imposed at different times run consecutively unless the court orders they are to run concurrently. <p>Mandatory concurrent terms:</p> <ul style="list-style-type: none"> • Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders they are to run consecutively. • For an attempt and for another offense that was the sole objective of the attempt. 	<p>Factors To Be Considered in Imposing Concurrent or Consecutive Terms:</p> <ul style="list-style-type: none"> • The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

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<p>Other countries</p> <p>(Cruel and Unusual: US Sentencing Practices in a Global Context)</p> <p>University of San Francisco School of Law, Center for Law and Global Justice)</p>	<p>This report completed a thorough review of sentencing code for countries across the globe. In the report’s appendix is a table with information on each country, including “concurrent or consecutive sentences for multiple offenses from same act”.</p>	<p>79 countries do not have Consecutive sentencing or merge Lesser offenses into most serious Offense when same act (46%)</p> <p>44 countries allow for consecutive sentences but cap them (26%)</p> <p>36 countries allow judges to issue concurrent or consecutive sentencing with no known cap (21%)</p> <p>For 11 countries, one sentence is issued but it is enhanced and capped (6%)</p>	