

Criminal Sentencing Task Force  
Sentencing Grid Subgroup  
All Day Work Session 7.12.22

**Proposed Recommendation: Felony Sentencing Guidelines Grid Proposal**

The Criminal Sentencing Task Force has pursued the development of a revised adult felony sentencing grid that reduces complexity, increases the effectiveness of the sentencing system, promotes public safety, and decreases the potential for racial disproportionality at sentencing.

The summary below outlines the parameters included in the felony sentencing guidelines grid proposal that was developed by the Sentencing Grid Subgroup at the 7.12.22 all-day work session.

	0	1	2	3	4	5	6	7	8	9+										
<b>18</b>	Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
<b>17</b>	240.0	320.0	252.0	336.0	264.6	352.8	277.8	370.4	291.7	389.0	306.3	408.4	321.6	428.8	337.7	450.3	354.6	472.8	372.3	496.4
<b>16</b>	114.8	153.0	126.2	168.3	138.8	185.1	152.7	203.6	168.0	224.0	184.8	246.4	203.3	271.0	223.6	298.2	246.0	328.0	255.0	340.0
<b>15</b>	101.3	135.0	111.4	148.5	122.5	163.4	134.8	179.7	148.2	197.7	163.1	217.4	179.4	239.2	197.3	263.1	217.0	289.4	225.0	300.0
<b>14</b>	87.8	117.0	96.5	128.7	106.2	141.6	116.8	155.7	128.5	171.3	141.3	188.4	155.5	207.3	171.0	228.0	188.1	250.8	195.0	260.0
<b>13</b>	59.4	99.0	65.3	108.9	71.9	119.8	79.1	131.8	87.0	144.9	95.7	159.4	105.2	175.4	115.8	192.9	127.3	212.2	132.0	220.0
<b>12</b>	52.7	87.8	57.9	96.5	63.7	106.2	70.1	116.8	77.1	128.5	84.8	141.3	93.3	155.5	102.6	171.0	112.9	188.1	117.0	195.0
<b>11</b>	45.9	76.5	50.5	84.2	55.5	92.6	61.1	101.8	67.2	112.0	73.9	123.2	81.3	135.5	89.4	149.1	98.4	164.0	102.0	170.0
<b>10</b>	39.2	65.3	43.1	71.8	47.4	79.0	52.1	86.8	57.3	95.5	63.1	105.1	69.4	115.6	76.3	127.2	83.9	139.9	87.0	145.0
<b>9</b>	19.8	33.0	22.8	38.0	26.2	43.6	30.1	50.2	34.6	57.7	39.8	66.4	45.8	76.3	52.7	87.8	60.6	100.9	72.0	120.0
<b>8</b>	17.3	28.9	19.9	33.2	22.9	38.2	26.3	43.9	30.3	50.5	34.8	58.1	40.1	66.8	46.1	76.8	53.0	88.3	63.0	105.0
<b>7</b>	14.9	24.8	17.1	28.5	19.6	32.7	22.6	37.6	26.0	43.3	29.9	49.8	34.3	57.2	39.5	65.8	45.4	75.7	54.0	90.0
<b>6</b>	12.4	20.6	14.2	23.7	16.4	27.3	18.8	31.4	21.6	36.1	24.9	41.5	28.6	47.7	32.9	54.9	37.9	63.1	45.0	75.0
<b>5</b>	3.6	12.0	4.3	14.4	5.2	17.3	6.2	20.7	7.5	24.9	9.0	29.9	10.7	35.8	12.9	43.0	15.5	51.6	18.0	60.0
<b>4</b>	3.0	9.9	3.6	11.9	4.3	14.3	5.1	17.1	6.2	20.5	7.4	24.6	8.9	29.6	10.6	35.5	12.8	42.6	14.9	49.5
<b>3</b>	2.3	7.8	2.8	9.4	3.4	11.2	4.0	13.5	4.9	16.2	5.8	19.4	7.0	23.3	8.4	27.9	10.1	33.5	11.7	39.0
<b>2</b>	0.9	3.0	1.8	6.0	2.2	7.2	2.6	8.6	3.1	10.4	3.7	12.4	4.5	14.9	5.4	17.9	6.4	21.5	8.6	28.5
<b>1</b>	0.6	2.0	0.9	3.0	1.5	5.0	1.8	6.0	2.2	7.2	2.6	8.6	3.1	10.4	3.7	12.4	4.5	14.9	5.4	18.0
<b>Unr</b>	0 - 365 days																			

1. The number of seriousness levels increases from 16 to 18.
2. Felony offenses are sorted such that class B offenses are no higher than seriousness level 9 and class C offenses are no higher than seriousness level 5. Serious violent offenses are located in seriousness levels 14 – 17 with 17 being Murder 1/Homicide by Abuse.

3. There are five formulas used to establish the cell ranges on the grid. Each formula includes the following:
  - a. An **Anchor** – this is a set value that establishes the foundation for all other range values.
  - b. **Percentage increase for each additional criminal history score** – this is a set percentage that determines how much the maximum in the range increases for each additional criminal history score point (this means there is a consistent increase in sentences as defendants move to the right across the grid).
  - c. **Percentage of the maximum used to establish the minimum** – this is a set percentage that determines the value of the minimum in a range, based on the value of the maximum in the range.
  
4. Formulas are as follows
  - a. **OSL 17: Murder 1/Homicide by Abuse**
    - i. **Anchor:** Criminal History Score 0 minimum of 240 months (aligned with the mandatory minimum).
    - ii. **Percentage increase in maximum for each additional criminal history score point:** 105%
    - iii. **Percentage of the maximum used to establish the minimum:** 75%
  
  - b. **OSL 16-14: Serious Violent Offenses**
    - i. **Anchor:** Criminal History Score 9+ maximum for OSL 14 is 40 months higher than the maximum for Criminal History Score 9+ for OSL 13. Each additional increase in seriousness level (for 15 and 16) increases the maximum at 9+ 40 months from the previous.
    - ii. **Maximum for CHS 0:** 45% off the maximum at CHS 9+
    - iii. **Percentage increase in maximum for each additional criminal history score point:** 110%
    - iv. **Percentage of the maximum used to establish the minimum:** 75%
  
  - c. **OSL 13-10: Violent Offenses**
    - i. **Anchor:** Criminal History Score 9+ maximum for OSL 10 is 25 months higher than the maximum for Criminal History Score 9+ for OSL 9. Each additional increase in seriousness level (for 11-13) increases the maximum at 9+ 25 months from the previous seriousness level.
    - ii. **Maximum for CHS 0:** 45% off the maximum at CHS 9+
    - iii. **Percentage increase in maximum for each additional criminal history score point:** 110%

- iv. **Percentage of the maximum used to establish the minimum: 60%**
- d. **OSL 9-6: Class A/B offenses**
  - i. **Anchor:** Criminal History Score 9+ maximum for OSL 9 is 120 months which aligns with the statutory maximum sentence for class B felonies.
  - ii. **Calculation of other maximums at CHS 9+:** Each decrease in OSL decreases the maximum sentence for CHS 9+ by 15 months.
  - iii. **Maximum for CHS 0:** 27.5% off the maximum at CHS 9+
  - iv. **Percentage increase in maximum for each additional criminal history score point: 115%**
  - v. **Percentage of the maximum used to establish the minimum: 60%**
- e. **OSL 5-1: Class A/B/C offenses**
  - i. **Anchor:** Criminal History Score 9+ maximum for OSL 5 is 60 months which aligns with the statutory maximum sentence for class C felonies.
  - ii. **Calculation of other maximums at CHS 9+:** Each decrease in OSL decreases the maximum sentence for CHS 9+ by 10.5 months.
  - iii. **Maximum for CHS 0:** 20% off the maximum at CHS 9+
  - iv. **Percentage increase in maximum for each additional criminal history score point: 120%**
  - v. **Percentage of the maximum used to establish the minimum: 30%**
- f. After calculating ranges, values are floored. That is, all numbers after the decimal are removed and not rounded. Thus 29.1 would become 29 and 29.9 would become 29.