

Criminal Sentencing Task Force
Proposed Recommendation: The New Felony Sentencing Guidelines Grid
DRAFT
7.28.22

Proposed Recommendation: The New 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 on the following pages outlines the parameters included in the new felony sentencing guidelines grid proposal. This proposal combines several of the individual potential recommendations drafted by the Grid Subgroup and presented to the full Task Force from August 2021 thru July 2022. Over the month of July 2022, the Grid Subgroup took the input gathered during those Task Force meetings to revise and then combine the grid-specific potential recommendations into a comprehensive new sentencing grid proposal. The Grid Subgroup acknowledges that under this new structure, recalibration of offenses will be needed and recommends this responsibility lie with the Legislature as it is beyond the scope and timeline of this Task Force.

The New Felony Sentencing Guidelines Grid: Formulas and Structure¹

	0	1	2	3	4	5	6	7	8	9+	Agg Departure Cap (advisory, greater than is presumptively unreasonable)	Repeat SW/Violent or Repeat DV 9.94A.525(21)										
18	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																					
17	240	320	252	336	264	352	277	370	291	388	306	408	321	428	337	450	354	472	372	496	49.0	10%
16	114	153	126	168	138	185	152	203	168	224	184	246	203	271	223	298	245	327	255	340	34.0	10%
15	101	135	111	148	122	163	134	179	148	197	163	217	179	239	197	263	217	289	225	300	30.0	10%
14	87	117	96	128	106	141	116	155	128	171	141	188	155	207	170	227	188	250	195	260	26.0	10%
13	59	99	65	108	71	119	79	131	86	144	95	159	105	175	115	192	127	212	132	220	22.0	10%
12	52	87	57	96	63	106	70	116	77	128	84	141	93	155	102	170	112	188	117	195	19.0	10%
11	45	76	50	84	55	92	61	101	67	112	73	123	81	135	89	149	98	163	102	170	17.0	10%
10	39	65	43	71	47	78	52	86	57	95	63	105	69	115	76	127	83	139	87	145	14.0	10%
9	19	33	22	37	26	43	30	50	34	57	39	66	45	76	52	87	60	100	72	120	12.0	10%
8	17	28	19	33	22	38	26	43	30	50	34	58	40	66	46	76	52	88	63	105	10.0	10%
7	14	24	17	28	19	32	22	37	25	43	29	49	34	57	39	65	45	75	54	90	9.0	10%
6	12	20	14	23	16	27	18	31	21	36	24	41	28	47	32	54	37	63	45	75	7.0	10%
5	3	12	4	14	5	17	6	20	7	24	8	29	10	35	12	42	15	51	18	60	6.0	10%
4	2	9	3	11	4	14	5	17	6	20	7	24	8	29	10	35	12	42	14	49	4.0	10%
3	2	7	2	9	3	11	4	13	4	16	5	19	6	23	8	27	10	33	11	39	3.0	10%
2	0	3	1	6	2	7	2	8	3	10	3	12	4	14	5	17	6	21	8	28	2.0	10%
1	0	2	0	3	1	5	1	6	2	7	2	8	3	10	3	12	4	14	5	18	1.0	10%
Unr	0 - 365 days																					

¹ See Appendix A. for a complete visual of the new grid formula and structure.
See Appendix B. for the magnitude of changes in the minimum and maximum of the sentence range in each cell ranges.
See Appendix C. for a visual of the overlapping ranges between the current and proposed new grid

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 in seriousness levels 14 – 17, with OSL 17 being Murder 1/Homicide by Abuse.
3. There are **five formulas** that establish the cell ranges on the new 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. The Five Formulas are as follows:

Formula 1: OSL 17: Murder 1/Homicide by Abuse

- a. **Anchor:** Criminal History Score (CHS) 0 minimum of 240 months (aligned with the mandatory minimum).
- b. **Percentage increase in maximum for each additional criminal history score point:** 105%
- c. **Percentage of the maximum used to establish the minimum:** 75%

Formula 2: OSL 16-14: Serious Violent Offenses

- a. **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 CHS 9+) 40 months from the previous.
- b. **Maximum for CHS 0:** 45% off the maximum at CHS 9+
- c. **Percentage increase in maximum for each additional criminal history score point:** 110%
- d. **Percentage of the maximum used to establish the minimum:** 75%

Formula 3: OSL 13-10: Violent Offenses

- a. **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.
- b. **Maximum for CHS 0:** 45% off the maximum at CHS 9+
- c. **Percentage increase in maximum for each additional criminal history score point:** 110%
- d. **Percentage of the maximum used to establish the minimum:** 60%

Formula 4: OSL 9-6: Class A/B offenses

- a. **Anchor:** Criminal History Score 9+ maximum for OSL 9 is 120 months which aligns with the statutory maximum sentence for class B felonies.
- b. **Calculation of other maximums at CHS 9+:** Each decrease in OSL decreases the maximum sentence for CHS 9+ by 15 months.
- c. **Maximum for CHS 0:** 27.5% off the maximum at CHS 9+
- d. **Percentage increase in maximum for each additional criminal history score point:** 115%
- e. **Percentage of the maximum used to establish the minimum:** 60%

Formula 5: OSL 5-1: Class A/B/C offenses

- a. **Anchor:** Criminal History Score 9+ maximum for OSL 5 is 60 months which aligns with the statutory maximum sentence for class C felonies.
 - b. **Calculation of other maximums at CHS 9+:** Each decrease in OSL decreases the maximum sentence for CHS 9+ by 10.5 months.
 - c. **Maximum for CHS 0:** 20% off the maximum at CHS 9+
 - d. **Percentage increase in maximum for each additional criminal history score point:** 120%
 - e. **Percentage of the maximum used to establish the minimum:** 30%
5. 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.
 6. The offense-specific exceptions to standard scoring rules (“multipliers”) are eliminated (see Attachment D.) and a new column is added for adjustments to the standard range for qualifying individuals. Individuals are eligible for the expanded range if their current offense is a violent or

serious violent offense and they have at least one prior conviction for a violent or serious violent offense. Individuals are also eligible for the expanded range if their current offense is a domestic violence offense and they have at least one prior conviction for a domestic violence offense.

- a. The maximum sentence of the range should increase 10% for individuals who qualify for the repeat offending column.
 - b. Qualifying domestic violence offenses are those included in RCW 9.94A.525(21):
 - i. (a) Count two points for each adult prior conviction where **domestic violence** as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a **no-contact or protection order** (RCW 7.105.450 or former RCW 26.50.110), **felony Harassment** (RCW 9A.46.020(2)(b)), **felony Stalking** (RCW 9A.46.110(5)(b)), **Burglary 1** (RCW 9A.52.020), **Kidnapping 1** (RCW 9A.40.020), **Kidnapping 2** (RCW 9A.40.030), **Unlawful imprisonment** (RCW 9A.40.040), **Robbery 1** (RCW 9A.56.200), **Robbery 2** (RCW 9A.56.210), **Assault 1** (RCW 9A.36.011), **Assault 2** (RCW 9A.36.021), **Assault 3** (RCW 9A.36.031), **Arson 1** (RCW 9A.48.020), or **Arson 2** (RCW 9A.48.030);
 - ii. (b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: **Assault of a child in the first degree**, RCW 9A.36.120; **Assault of a child in the second degree**, RCW 9A.36.130; **Assault of a child in the third degree**, RCW 9A.36.140; **Criminal Mistreatment in the first degree**, RCW 9A.42.020; or **Criminal Mistreatment in the second degree**, RCW 9A.42.030;
7. A new advisory column is added to the grid that provides the recommended cap on aggravated sentences. Aggravated sentences that go beyond the recommended amount are presumptively unreasonable. As in the status quo, all aggravated sentences would still be appealable.
 - a. The advisory cap is equal to 10% of the maximum punishment in each seriousness level.
 8. The Task Force acknowledges that under this new structure, further recalibration of offenses will be needed and recommends this responsibility lie with the Legislature as it is beyond the scope and timeline of this Task Force.

Appendix A.

10% of cell maximum or 1 month, whichever is greater
10 % of max row sent

	0	1	2	3	4	5	6	7	8	9+	Agg Departure Cap (advisory, greater than is presumptively unreasonable)	Repeat SV/Violent or Repeat DV 9.94A.525(21)										
18	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																					
17	240	320	252	336	264	352	277	370	291	388	306	408	321	428	337	450	354	472	372	496	49.0	10%
16	114	153	126	168	138	185	152	203	168	224	184	246	203	271	223	298	245	327	255	340	34.0	10%
15	101	135	111	148	122	163	134	179	148	197	163	217	179	239	197	263	217	289	225	300	30.0	10%
14	87	117	96	128	106	141	116	155	128	171	141	188	155	207	170	227	188	250	195	260	26.0	10%
13	59	99	65	108	71	119	79	131	86	144	95	159	105	175	115	192	127	212	132	220	22.0	10%
12	52	87	57	96	63	106	70	116	77	128	84	141	93	155	102	170	112	188	117	195	19.0	10%
11	45	76	50	84	55	92	61	101	67	112	73	123	81	135	89	149	98	163	102	170	17.0	10%
10	39	65	43	71	47	78	52	86	57	95	63	105	69	115	76	127	83	139	87	145	14.0	10%
9	19	33	22	37	26	43	30	50	34	57	39	66	45	76	52	87	60	100	72	120	12.0	10%
8	17	28	19	33	22	38	26	43	30	50	34	58	40	66	46	76	52	88	63	105	10.0	10%
7	14	24	17	28	19	32	22	37	25	43	29	49	34	57	39	65	45	75	54	90	9.0	10%
6	12	20	14	23	16	27	18	31	21	36	24	41	28	47	32	54	37	63	45	75	7.0	10%
5	3	12	4	14	5	17	6	20	7	24	8	29	10	35	12	42	15	51	18	60	6.0	10%
4	2	9	3	11	4	14	5	17	6	20	7	24	8	29	10	35	12	42	14	49	4.0	10%
3	2	7	2	9	3	11	4	13	4	16	5	19	6	23	8	27	10	33	11	39	3.0	10%
2	0	3	1	6	2	7	2	8	3	10	3	12	4	14	5	17	6	21	8	28	2.0	10%
1	0	2	0	3	1	5	1	6	2	7	2	8	3	10	3	12	4	14	5	18	1.0	10%
Unr	0 - 365 days																					

OSL 17 anchor	240 minimum at CHS 0
Increase for each additional CHS	1.05 percent of previous maximum
Minimum	0.75 percent of max
SV minimum	0.75 maximum
Anchor minus next anchor divided by:	7
Max at 0 CHS	0.45 percent of max at CHS 9+
Increase for each additional CHS	1.1 percent of previous maximum
Violent Minimum	0.6 percent of max
Violent range inc from prev CHS 9+ max	25 months from previous max
SV range inc from prev CHS 9+ max	40 months from previous max
OSL 9 Anchor	120 maximum CHS 9+
Anchor minus next anchor divided by:	4
Max at 0 CHS	0.275 percent of max at CHS 9+
Increase for each additional CHS	1.15 percent of previous maximum
Minimum	0.6 percent of max
OSL 5 Anchor	60 maximum CHS 9+
OSL 1 Anchor	18 maximum CHS 9+
Anchor minus next anchor divided by:	4
CHS 9+ max	month decrease from prior CHS 9+ max
Max at 0 CHS	0.2 percent of max at CHS 9+
Increase for each additional CHS	1.2 percent of previous maximum
Minimum	0.3 percent of max

Appendix B.

Magnitude of Changes in Min and Max - Proposed New Grid vs. Current Grid

	0	1	2	3	4	5	6	7	8	9+	Agg Departure Cap (mos)	Repeat SV/Violent										
18	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																					
17	0	0	2	3	4	6	7	9	11	15	15	20	10	13	0	0	-15	-20	-39	-52	49	10%
16	-8	-67	-8	-66	-5	-59	-1	-50	3	-41	10	-29	8	-24	8	-18	-11	-29	-43	-57	34	10%
15 (malicious explosion 1)	-139	-185	-139	-185	-138	-184	-136	-181	-133	-176	-128	-171	-133	-177	-141	-187	-153	-204	-186	-248	30	10%
15 (trafficking 1)	-22	-85	-23	-86	-21	-81	-19	-74	-17	-67	-12	-58	-16	-56	-19	-53	-40	-68	-73	-97	30	10%
14	-35	-47	-37	-49	-38	-50	-37	-49	-37	-48	-34	-45	-40	-53	-45	-60	-69	-91	-103	-137	26	10%
13	-34	-24	-37	-27	-39	-27	-41	-28	-42	-26	-42	-25	-57	-41	-62	-43	-82	-65	-108	-98	22	10%
12	-25	-14	-28	-17	-31	-19	-32	-19	-34	-19	-35	-17	-53	-39	-56	-40	-72	-57	-93	-85	19	10%
11	-5	9	-7	9	-6	11	-6	13	-5	16	-3	21	-17	6	-19	5	-31	-7	-47	-28	17	10%
10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14	10%
9 (Malicious placement imitation device 1)	-73	-90	-79	-98	-85	-103	-90	-110	-94	-113	-98	-118	-116	-140	-125	-148	-148	-176	-168	-198	12	10%
9 (Criminal mistreatment 1; malicious explosion 3)	-31	-35	-34	-37	-36	-38	-37	-39	-37	-38	-37	-36	-52	-54	-55	-56	-68	-70	-77	-78	12	10%
9	-11	-8	-13	-10	-15	-10	-16	-11	-16	-10	-17	-9	-31	-26	-34	-28	-47	-43	-57	-51	12	10%
8	-4	2	-6	-1	-8	-3	-10	-4	-11	-3	-11	-3	-27	-22	-31	-25	-34	-28	-45	-39	10	10%
7	0	5	-4	1	-6	-1	-8	-3	-10	-5	-11	-4	-23	-18	-27	-23	-32	-26	-33	-26	9	10%
6	0	7	-1	4	-5	0	-7	-3	-9	-5	-11	-7	-17	-13	-24	-20	-29	-26	-32	-27	7	10%
5	-2	0	-8	0	-8	0	-9	1	-15	-4	-24	-13	-30	-18	-38	-25	-47	-30	-54	-36	6	10%
4	0	1	-2	0	-8	0	-8	0	-9	1	-15	-4	-24	-13	-32	-22	-40	-27	-48	-35	4	10%
3	1.3	5	0	1	-1	-1	-5	1	-7	0	-11	-3	-15	-6	-25	-15	-33	-23	-39	-29	3	10%
2	0.9	0	0	0	-1	-2	-1	-3	-9	-4	-10	-6	-13	-7	-17	-11	-27	-22	-34	-29	2	10%
1	0.6	0	1	0	-1	0	0	0	-1	-1	-1	-3	-9	-4	-10	-6	-13	-7	-17	-11	1	10%
Unr	0 - 365 days																					

Legend

- Increase on new grid
- Decrease on new grid

Agg Departure Cap (advisory, greater than is presumptively unreasonable)
Repeat SV/Violent or Repeat DV 9.94A.525(21)

Appendix C.

	0	Current Grid	1	Current Grid	2	Current Grid	3	Current Grid	4	Current Grid	5	Current Grid	6	Current Grid	7	Current Grid	8	Current Grid	9+	Current Grid										
18	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																													
17	240	320	240 320	252	336	250 333	264	352	261 347	277	370	271 361	291	388	281 374	306	408	291 388	321	428	312 416	337	450	338 450	354	472	370 493	372	496	411 548
16	114	153	123 220	126	168	134 234	138	185	144 244	152	203	154 254	168	224	165 265	184	246	175 275	203	271	195 295	223	298	216 316	245	327	257 357	255	340	298 397
15	101	135	123 220	111	148	134 234	122	163	144 244	134	179	154 254	148	197	165 265	163	217	175 275	179	239	195 295	197	263	216 316	217	289	257 357	225	300	298 397
14	87	117	123 164	96	128	134 178	106	141	144 192	116	155	154 205	128	171	165 219	141	188	175 233	155	207	195 260	170	227	216 288	188	250	257 342	195	260	298 397
13	59	99	93 123	65	108	102 136	71	119	111 147	79	131	120 160	86	144	129 171	95	159	138 184	105	175	162 216	115	192	178 236	127	212	209 277	132	220	240 318
12	52	87	78 102	57	96	86 114	63	106	95 125	70	116	102 136	77	128	111 147	84	141	120 158	93	155	146 194	102	170	159 211	112	188	185 245	117	195	210 280
11	45	76	51 68	50	84	57 75	55	92	62 82	61	101	67 89	67	112	72 96	73	123	77 102	81	135	98 130	89	149	108 144	98	163	129 171	102	170	149 198
10	39	65		43	71		47	78		52	86		57	95		63	105		69	115		76	127		83	139		87	145	
9	19	33	31 41	22	37	36 48	26	43	41 54	30	50	46 61	34	57	51 68	39	66	57 75	45	76	77 102	52	87	87 116	60	100	108 144	72	120	129 171
8	17	28	21 27	19	33	26 34	22	38	31 41	26	43	36 48	30	50	41 54	34	58	46 61	40	66	67 89	46	76	77 102	52	88	87 116	63	105	108 144
7	14	24	15 20	17	28	21 27	19	32	26 34	22	37	31 41	25	43	36 48	29	49	41 54	34	57	57 75	39	65	67 89	45	75	77 102	54	90	87 116
6	12	20	12+ 14	14	23	15 20	16	27	21 27	18	31	26 34	21	36	31 41	24	41	36 48	28	47	46 61	32	54	57 75	37	63	67 89	45	75	77 102
5	3	12	6 12	4	14	12+ 14	5	17	13 17	6	20	15 20	7	24	22 29	8	29	33 43	10	35	41 54	12	42	51 68	15	51	62 82	18	60	72 96
4	2	9	3 9	3	11	6 12	4	14	12 + 14	5	17	13 17	6	20	15 20	7	24	22 29	8	29	33 43	10	35	43 57	12	42	53 70	14	49	63 84
3	2	7	1 3	2	9	3 8	3	11	4 12	4	13	9 12	4	16	12+ 16	5	19	17 22	6	23	22 29	8	27	33 43	10	33	43 57	11	39	51 68
2	0	3	0-3	1	6	2 6	2	7	3 9	2	8	4 12	3	10	12+ 14	3	12	14 18	4	14	17 22	5	17	22 29	6	21	33 43	8	28	43 57
1	0	2	0-2	0	3	0-3	1	5	2 5	1	6	2 6	2	7	3 8	2	8	4 12	3	10	12+ 14	3	12	14 18	4	14	17 22	5	18	22 29
Unr	0 - 365 days																													

Legend	
	Overlapping Ranges
	Minimally Overlapping
	No Overlap
	Invalid Sentencing Range for some offenses
	Partially Invalid

Appendix D. Criminal History Scoring

The general rule for scoring is that prior felony convictions count as:

- Adult offenses count as 1 point
- Juvenile Violent offenses count as 1 point
- Juvenile non-violent (NV) offenses count as 1/2 point (rounded down)

Exceptions to “standard” scoring:

1. **Burglary 1°** (violent offense):
 - ~~a. Adult NV Burglary offenses count as 2 points~~
 - ~~b. Juvenile NV Burglary offenses count as 1 point~~
 - ~~c. Adult and Juvenile Violent & Serious Violent (SV) offenses count as 2 points~~
 - d. Any other felony offenses count standard

2. **Violent** (defined in RCW 9.94A.030) offense (not Sex, SV, Burglary 1°, Felony Traffic, or Homicide/Assault by Watercraft or Manufacture Meth):
 - ~~a. Adult and Juvenile Violent & SV offenses count as 2 points~~
 - b. Any other felony offenses count standard

3. **Serious Violent** (defined in RCW 9.94A.030) offenses:
 - a. ~~Adult and Juvenile Serious Violent (SV) offenses count as 3 points (convictions existing before the date of sentencing. If there are multiple current SV offenses, only the most serious offense is scored – all other SV offenses get a score of 0 and the sentences for each are served consecutively (RCW 9.94A.589(1)(b))~~
 - ~~b. Adult and Juvenile Violent offenses count as 2 points~~
 - c. Any other felony offenses count standard

4. **Felony Traffic** (defined in RCW 9.94A.030) offenses:
 - ~~a. Adult and Juvenile Vehicular Homicide or Vehicular Assault offenses count as 2 points~~
 - b. Certain adult Traffic Misd/Gross Misd offenses (serious traffic offenses) count as 1 point
 - c. Certain juvenile Traffic Misd/Gross Misd offenses (serious traffic offenses) count as 1/2 point

- ~~d. Adult convictions of Operation of a Vessel under the Influence offenses count as 1 point and juvenile offenses for Operation of a Vessel offenses under the Influence count as ½ point.~~
 - e. Any other felony offenses count standard
- 5. **Homicide or Assault by Watercraft** offenses:
 - ~~a. Adult and Juvenile Homicide or Assault by Watercraft offenses count as 2 points~~
 - ~~b. Certain adult Traffic Misd/Gross Misd offenses count as 1 point~~
 - ~~c. Certain juvenile Traffic Misd/Gross Misd offenses count as 1/2 point~~
 - d. Any other felony offenses count standard
- 6. **Manufacture Methamphetamine** offense(NV):
 - ~~a. Adult Manufacture Meth offenses count as 3 points~~
 - ~~b. Juvenile Manufacture Meth offenses count as 2 points~~
 - c. Any other felony offenses count standard
- 7. **Drug** offense (definition of Drug offense excludes simple possession) with history of a sex or serious violent offense (NV):
 - ~~a. Adult drug offenses count as 3 points~~
 - ~~b. Juvenile drug offenses count as 2 points~~
 - c. Any other felony offenses count standard (unless current Drug offense is violent, than prior Adult and Juvenile violent/serious violent offenses count as 2 points)
- 8. **Escape from Community Custody** offense (NV):
 - a. Adult Escape offenses count as 1 point
 - b. Juvenile Escape offenses count as ½ point
 - c. Only offenses meeting the definition of Escape (see RCW 9.94A.030(25)) count in the criminal history score – other felonies are not included in the score.
- 9. **Escape 1° or 2°** offenses (NV):
 - a. Adult offenses count as 1 point
 - b. Juvenile offenses count as ½ point (violent or NV)
- 10. **Burglary 2° or Residential Burglary** offenses (NV):
 - ~~a. Adult and Juvenile Burglary 1° offenses count as 2 points~~
 - ~~b. Adult Burglary 2° or Residential Burglary offenses count as 2 points~~
 - ~~c. Juvenile Burglary 2° or Residential Burglary offenses count as 1 point~~
 - d. Any other felony offenses count standard
- 11. **Sex** Offense, other than Failure to Register as a Sex Offender (defined in RCW 9.94A.030):

- ~~a. Adult and Juvenile Sex offenses count as 3 points~~
 - ~~b. If the current is a Violent Sex offense, prior adult & juvenile non-Sex Violent offenses score as 2 points.~~
 - ~~c. If the current is a SV Sex offense, prior adult & juvenile non-Sex SV offenses score as 3 points (if they are not other current SV offenses).~~
 - d. Any other felony offenses count standard
12. **Failure to Register as a Sex Offender (FTR)** offenses (ranked FTR are defined as Sex offenses):
- ~~a. Adult and Juvenile Sex offenses that **are not** FTR are score as 3 points~~
 - ~~b. Adult and Juvenile Sex offenses that **are** FTR score as 1 point~~
 - c. Any other felony offenses count standard
13. **Theft of a Motor Vehicle, Possession of a Motor Vehicle, Possession of a Stolen Vehicle, or Taking a Motor Vehicle without the Owner's Permission 1° or 2°:**
- ~~a. Misdemeanor offense of Vehicular Prowling 2° counts as 1 point~~
 - ~~b. Adult and Juvenile offenses of Theft 1° or 2° of a Motor Vehicle, Possession of Stolen Property 1° or 2° of a Motor Vehicle, Theft of a Motor Vehicle, Possession of a Stolen Vehicle, or Taking a Motor Vehicle without the Owner's Permission 1° or 2°, count as 3 points~~
 - c. Any other felony offenses count standard
14. Felony **Domestic Violence** (defined in 9.94A.030) where DV was pleaded and proven:
- ~~a. Count 2 points for each Adult offense where DV was pleaded/proven after 8/1/2011 for any of the following offenses: Violation of a No Contact or Protection Order, felony Harassment, felony Stalking, Burglary 1°, Kidnapping 1° or 2°, Unlawful Imprisonment, Robbery 1° or 2°, Assault 1°, 2° or 3°, or Arson 1° or 2°.~~
 - ~~b. Count 2 points for each Adult offense where DV was pleaded/proven after 7/23/2017 for any of the following offenses: Assault of a Child 1°, 2° or 3°, or Criminal Mistreatment 1° or 2°.~~
 - ~~c. Count 1 point for each 2nd and subsequent Juvenile offense with DV was pleaded/proven after 8/1/2011 for the list of offenses under (a) above.~~
 - d. Count one point for each adult offense for a repetitive domestic violence offense (misd/GMs), where domestic violence was pleaded/proven after 8/1/2011
 - e. Any other felony offenses count standard
15. **Community Custody Point:** If the present offense was committed while the person was under community custody, 1 point is added to the criminal history score.

Other Scoring Considerations:

- Only “ranked” offenses (those assigned a seriousness level) receive a score
- If there is more than one current offenses, offenses score against one another (with some exceptions) as though they were criminal history.
- A finding of Sexual Motivation changes the categorization of any felony non-sex offense into a sex offense and as such, the offense is scored as a sex offense
- Class B Violent offenses that are anticipatory are not considered Violent offenses but still score as though it was a Violent offense
- For Class B and Class C offenses in criminal history can “washout” if conditions of crime-free behavior are met (with some exceptions)
- Offenses ruled as same criminal conduct do not score against one another
- Offenses committed prior to 7/1/1986 and served concurrently count as one offense for scoring purposes
- Some offenses in history may not be included in the criminal history score if they also resulted in an enhancement

Note: Original SRA had multipliers for the following offense types: Serious Violent, Burglary 1°, Violent, Vehicular Homicide, Escape, Burglary 2, and Drug offenses. Also, Juvenile offenses were only scored if the person was 15 year or older at the time the offense was committed and was less than 23 at sentencing.