

RYAN A. BIZZARRO, CHAIRMAN

414 MAIN CAPITOL BUILDING
P.O. BOX 202003
HARRISBURG, PENNSYLVANIA 17120-2003
(717) 772-2297
FAX: (717) 780-4767



HOUSE DEMOCRATIC POLICY COMMITTEE

WEBSITE: WWW.PAHOUSE.COM/POLICYCOMMITTEE

EMAIL: POLICY@PAHOUSE.NET

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HOUSE OF REPRESENTATIVES

COMMONWEALTH *of* PENNSYLVANIA

House Democratic Policy Committee Hearing
Subcommittee on Progressive Policies for Working People

Judging Justice: The Mechanics of Criminal Sentencing
Thursday, January 20, 2022 | 10:00a.m. – 12:00p.m.

Representatives Rick Krajewski, Mike Zabel, Elizabeth Fiedler, and Donna Bullock

PANEL ONE

10:00am

Mark Bergstrom, Executive Director
Pennsylvania Commission on Sentencing

Sara Jacobson, Executive Director
Public Defender Association of Pennsylvania

Kevin Steele, Montgomery County District Attorney
Pennsylvania District Attorney Association

Q & A with Legislators

11:00a.m.

Maria Goellner, Esq. Pennsylvania State Policy Director
FAMM

Joanna Visser-Adjoian, Co-Founder and Co-Director
Youth Sentencing and Re-Entry Project

Briannah Stoves, Youth Leader and Impacted Youth
Care, Not Control Coalition

Q & A with Legislators

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Pennsylvania Commission on Sentencing
204 Pa. Code §§303.1-303.18
Working Draft of Sentencing Guidelines Proposals

The Pennsylvania Commission on Sentencing hereby publishes for public comment a working draft of proposals developed during a comprehensive review of the sentencing guidelines. The working draft is set forth in Annex A.

The 7th Edition Sentencing Guidelines, adopted by the Commission on September 13, 2012, took effect December 28, 2012. Since 2012, the Commission adopted six amendments and one supplement to the 7th Edition Sentencing Guidelines:

- Amendment 1, adopted June 6, 2013, effective September 27, 2013.
- Amendment 2, adopted June 5, 2014, effective September 26, 2014.
- Amendment 3, adopted June 4, 2015, effective September 25, 2015.
- Amendment 4, adopted June 1, 2017, effective January 1, 2018.
 - Supplement to Amendment 4, adopted December 14, 2017, effective June 1, 2018.
- Amendment 5, adopted June 13, 2019, effective January 1, 2020.
- Amendment 6, adopted September 10, 2020, effective January 1, 2021.

During the past decade, in addition to adopting the 7th Edition Sentencing Guidelines and amendments to address immediate legislative mandates and implementation issues, the Commission also was engaged in a forward-looking comprehensive review of the sentencing guidelines. As described in greater detail in the *Commentary*, the comprehensive review provided an opportunity to study current practices and research best practices; to consider approaches to streamline, automate, and update the sentencing guidelines; to promote greater certainty in sentencing and more efficient use of resources and programs; and to harmonize the sentencing guidelines with amended statutes and with other Commission mandates, including the sentence risk assessment instrument, re-sentencing guidelines, and with the pending parole guidelines and recommitment ranges.

A working draft of proposals developed through this comprehensive review is found in *Annex A*. These proposals, if pursued by the Commission, would restructure the sentencing guidelines by providing more targeted sentence recommendations, redirect the primary focus of the recommendations on factors associated with the conviction offense, and reduce the impact of the prior record. The development of these proposals, while informed by the experiences gained from four decades of sentencing guidelines, were advanced through four initiatives:

- Strategic Planning Work Group (SPWG, 2014-2016)
- Model Penal Code: Sentencing (MPCS, 2001-2017)
- Justice Reinvestment Initiative (JRI-II, 2016-2019)
- Academic Review Panel (ARP, 2020-2021)

Given the substantial changes to the sentencing guidelines suggested during this comprehensive review, the Commission approved for publication a working draft of proposals, and the scheduling of hearings, to receive public comment before moving forward with consideration of any revisions to the sentencing guidelines.

In accordance with 42 Pa.C.S. §2155, the Commission shall publish in the Pennsylvania Bulletin this working draft and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- Pennsylvania District Attorneys Association
- Chiefs of Police Associations
- Fraternal Order of Police
- Public Defenders Organization
- Law School faculty members
- Pennsylvania Parole Board
- Pennsylvania Department of Corrections
- Pennsylvania Bar Association
- Pennsylvania Wardens Association
- Pennsylvania Association on Probation, Parole and Corrections
- Pennsylvania Conference of State Trial Judges
- Any other interested person or organization

The Commission has scheduled the following hearings to receive public comment. The hearings will provide opportunities to receive testimony on-site at hearing locations consistent with COVID-19 safeguards or by Zoom Webinar:

Hearing I.

Date: Tuesday, February 22, 2022

Time: 2:00 p.m.

On-site Location: *Bucks County Justice Center, Courtroom 410*
100 North Main Street, Doylestown, PA

Hearing II.

Date: Thursday, February 24, 2022

Time: 10:00 a.m.

On-site Location: *Lincoln University School of Adult & Continuing Education*
3020 Market Street, 4th Floor, Philadelphia, PA

Hearing III.

Date: Monday, February 28, 2022

Time: 10:00 a.m.

Zoom Webinar: <https://bit.ly/PCS2022Feb28PubHrng>
Pennsylvania Department of Corrections
(registration open to the public; testimony limited to DOC staff and inmates)

Hearing IV.

Date: Wednesday, March 2, 2022

Time: 2:00 p.m.

On-site location: *Duquesne University School of Law, 203 Hanley Hall*
600 Forbes Avenue, Pittsburgh, PA

Hearing V.

Date: Friday, March 4, 2022

Time: 10:00 a.m.

Zoom Webinar: <https://bit.ly/PCS2022March4PubHrng>
Pennsylvania Commission on Sentencing
(registration and testimony open to the public)

Hearing VI.

Date: Wednesday, March 9, 2022

Time: 2:00 p.m.

Zoom Webinar: <https://bit.ly/PCS2022March9PubHrng>
(registration and testimony open to the public)

On-site Location: ***Pennsylvania Capitol Complex***
523 Irvis Building, Harrisburg, PA

Those wishing to attend or testify at a Zoom Webinar public hearing may register at the link provided. Those wishing to testify in person may register by contacting the Commission (Cathy Dittman – 814-863-5729 or cwd2@psu.edu).

Persons or organizations wishing to testify in-person or via Zoom Webinar are asked to register at least five business days prior to the hearing, and to provide an electronic copy of any testimony. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Forward all testimony and documents to Cathy Dittman (cwd2@psu.edu).

Representative Todd Stephens
Chair

Commentary on Annex A

This Commentary provides background on the comprehensive review of the sentencing guidelines which served as the basis for developing a working draft of proposals. The comprehensive review provided an opportunity to study current practices and research best practices; to consider approaches to streamline, automate, and update the sentencing guidelines; to promote greater certainty in sentencing and more efficient use of resources and programs; and to harmonize the sentencing guidelines with amended statutes and with other Commission mandates, including the sentence risk assessment instrument, re-sentencing guidelines, and with the pending parole guidelines and recommitment ranges.

A working draft of proposals developed through this comprehensive review is found in *Annex A*. These proposals, if pursued by the Commission, would restructure the sentencing guidelines by providing more targeted sentence recommendations, redirect the primary focus of the recommendations on factors associated with the conviction offense, and reduce the impact of the prior record. The development of these proposals, while informed by the experiences gained from four decades of sentencing guidelines, were advanced through four initiatives:

- Strategic Planning Work Group (SPWG, 2014-2016)
- Model Penal Code: Sentencing (MPCS, 2001-2017)
- Justice Reinvestment Initiative (JRI-II, 2016-2019)
- Academic Review Panel (ARP, 2020-2021)

Given the substantial changes to the sentencing guidelines suggested during this comprehensive review, the Commission approved the publication of a working draft of recommendations received, and the scheduling of hearings, to receive public comment before moving forward with consideration of any revisions.

Background on the Comprehensive Review

Since the implementation of the first sentencing guidelines in 1982, the Pennsylvania Commission on Sentencing has adopted eighteen changes (i.e., new editions, amendments, revisions, and supplements), the most recent of which incorporate guidelines for probation, for the use of restrictive conditions (i.e., county intermediate punishment programs), and for fines and community service; fourteen legislatively-mandated sentencing enhancements; and recommendations to identify eligible and appropriate candidates for programs at the Pennsylvania Department of Corrections. During the same period, the Commission adopted and implemented a sentence risk assessment instrument and guidelines for resentencing following revocation of probation, proposed a model pretrial risk assessment tool related to domestic violence, and held public hearings on proposed guidelines for parole and recommitment ranges to be considered following revocation of parole.

While a comprehensive review of the sentencing guidelines is a necessary response to increasing legislative mandates and clarifying court decisions, the rebuilding of the sentencing guidelines serves as a vehicle to reform and improve Pennsylvania's criminal justice system. This process advances the goals of the Commonwealth's Justice Reinvestment Initiatives (JRI-I and JRI-II), while giving renewed focus to concerns about racial justice and the over-reliance on incarceration and long periods of community supervision. As noted previously, four independent initiatives have been critical to this review, and in the development of proposals for consideration in the rebuilding of the sentencing guidelines:

- *Strategic Planning Work Group (SPWG) (2014-2016)* – The Commission established the Strategic Planning Work Group (SPWG) in 2014, involving a representative statewide group of 35 criminal justice stakeholders to take a fresh look at the sentencing guidelines. The group met for seventeen meetings over the course of almost two years to conduct a full external review of Pennsylvania’s sentencing guidelines. The goals of the review were to streamline and simplify the guidelines, to better incorporate the mandated sentencing enhancements, to promote greater certainty in sentences and more efficient use of correctional programs.

Specific SPWG recommendations included: recalibration and expansion of the number of offense gravity score categories (from 14 to 48) in order to provide more targeted recommendations and more uniform and proportional increases; reduction in the impact of prior record score through expanded lapsing provisions and simplified/automated consideration of previous convictions; use of adjustments to offense gravity score assignments to consistently address offense-based and offender-based factors; and modification of offense gravity score assignments to address mandated enhancements.

- *Model Penal Code: Sentencing (MPCS) (2001-2017)* – The Model Penal Code served as the basis for Pennsylvania’s 1973 recodification of the Crimes Code (Act 334 of 1972). The American Law Institute (ALI) initiated a project in 2001 to rewrite the sentencing and corrections provisions of the Model Penal Code. In 2017, the ALI approved the new Model Penal Code: Sentencing (MPCS). As noted by Professor Kevin R. Reitz, MPCS Reporter, the new MPCS is the first official amendment to any section of the original Model Penal Code since it was adopted in 1962, and provides an institutional framework for all major forms of punishment. It includes, for the first time, standards for sentencing commissions and sentencing guidelines, and suggests sentencing procedures that promote greater fairness and transparency.

Many of the MPCS recommendations address limits on punishment and elimination of disproportionate sentence severity, while focusing on the individualization of sentences and the prioritization of the use of correctional resources to offenders who present the greatest risk and highest needs. Specific provisions contained in the MPCS related to sentencing guidelines include limits on the use of criminal history, standards for addressing multiple sentences, consideration of offender treatment needs and risk of reoffending, and reiterates the recommendation that a pre-sentence investigation be ordered whenever a defendant has been convicted of a felony and the court is considering a sentence in excess of the time served while awaiting conviction and sentencing.

- *Justice Reinvestment II (JRI-II) (2016-2019)* – A second statewide Justice Reinvestment Initiative (JRI-II) Working Group was assembled in 2016, with members appointed by the Governor, the Chief Justice, and the leaders of the General Assembly. The goal of JRI-II was to develop evidence-based recommendations to reform and improve operations at the front-end of Pennsylvania’s criminal justice system. The working group presented consensus recommendations in December of 2018, and related legislation was enacted in November of 2019.

The working group recommended that the Commission: revise the prior record scoring to reflect risk to offend; adjust minimum ranges incrementally, to support further reinvestments in recidivism reducing interventions; guide the use of restrictive conditions of probation, terms of probation, use of split sentences, and maximum sentences; create interactive guideline information to support

decisions with risk, recidivism, and cost information; and continue to analyze the cost and impact of restoring mandatory minimum sentences.

Specific to the sentencing guidelines, the legislation enacted by the General Assembly (Acts 114 and 115 of 2019) provided for the modification of factors to be considered in adopting the guidelines; adjustments to criminal history to better address risk to reoffend and substantial risk to public safety; and greater targeting of the use of specific sentencing options, including new guidelines to address the intensity and duration of probation, including the use of CIP programs as restrictive conditions of probation; and provided that the sentence risk assessment instrument could be used to help determine the intensity of intervention, use of restrictive conditions, and duration of supervision.

- *Academic Review Panel (ARP) (2020-2021)* – As the last phase of the comprehensive review, the Commission convened an Academic Review Panel, chaired by Commission Member Judge Leon Tucker, comprising legal and social science faculty and practitioners who are subject matter experts in the areas of sentencing and corrections, guidelines, juvenile and criminal justice policy, social justice, and race and ethnicity. The panel included Villanova Law Professor Steven L. Chanenson, former Commission Chair and SPWG Chair; and Minnesota Law Professor Kevin R. Reitz, MPCS Reporter. Commission staff facilitated 11 meetings between November 2020 and May 2021 for the purpose of discussing systemic changes needed to address racial disparity, to incorporate evidence-based practices, and to consider approaches taken by other jurisdictions. The panel reviewed the proposals advanced by the SPWG and the JRI-II working group, studied Commission data, and considered the MPCS sentencing guidelines provisions, especially as related to the use of criminal history.

The panel supported recommendations that give primary consideration in the sentencing guidelines to the conviction offense and factors related to that offense, while decreasing the impact of the prior record score due to its role as a secondary factor at sentencing. The Commission's enabling legislation and the MPCS provisions related to purposes of sentencing and sentencing guidelines require sentence recommendation that address the gravity of the offense, the harm done to crime victims, and the blameworthiness of the offender. To the degree these factors are addressed through the sentence recommendation for the conviction offense, the MPCS suggests limits on additional punishment for blameworthiness linked to the criminal history, as the offender has already been punished for prior convictions. The MPCS further cautions that the use of criminal history to assess an offender's risk of reoffending may over-predict those risks. And, consistent with the analysis of Commission data, the MPCS warns of disparate impacts on racial or ethnic minorities, or other disadvantaged groups, when increases in sentence recommendations are associated with higher prior record scores.

Specific prior record score recommendations include a recalculation of prior record score based on categories of offenses rather than point values; the establishment of new prior record score categories (0, Low, Medium, High) to better distinguish seriousness of criminal history and risk of re-offense; the expansion of the juvenile lapsing policy linked to the age of the offender; and the addition of an adult lapsing policy to address stale records. The proposed prior record score categories include a 'true zero' category for those with no previous convictions or with lapsed adjudications or convictions, while retaining RFEL and REVOC as part of the High category.

Annex A

Working Draft of Proposals

Proposals related to §303.1 – Sentencing guidelines standards

Proposed addition of preliminary provisions that provide the authorization for the adoption of guidelines for sentencing, guidelines for probation and for restrictive conditions, and guidelines for fines; addition of definitions; and addition of statutory factors the Commission shall address when adopting guidelines for sentencing, guidelines for probation and restrictive conditions, and guidelines for fines.

Proposed modification of current provisions to provide more consistent practices in each county for the preparation of guideline sentence forms and the consideration of the sentence recommendations prior to sentencing. Best practices include the use of an administrative order or local rule to prescribe the process for preparation of the guideline sentence forms using the JNET-based SGS Web application, and consideration by the court and the parties of the sentence recommendations prior to sentencing. The involvement of the prosecutor is critical in the preparation of guideline sentence forms, as the prosecutor has the burden of proving sentencing factors used to determine the offense gravity score assignment, adjustments or enhancements, and prior record score, and has agreed to any provisions of a negotiated plea. Providing SGS Web-generated guideline sentence forms to all parties prior to sentencing allows for adequate review of the accuracy of the information and ensures consideration of the sentence recommendations and the related sentence risk assessment information.

Proposed modification of current provisions to provide more consistent practices in each county for the reporting of all required sentencing information to the Commission through the JNET-based SGS Web application no later than 30 days after sentencing. Best practices include the use of an administrative order or local rule to prescribe the process for the submission of completed guideline sentence forms and information on the sentence imposed for each conviction offense. The involvement of the adult probation and parole department is critical in the full reporting of sentences to the Commission, as the adult probation and parole department is responsible for supervising the majority of cases sentenced by the court, whether through sentences to probation or other restorative sanctions, or upon release from a county correctional facility. Additionally, the state funding plan for county adult probation and parole departments and the CIP funding take into consideration a county's full submission of data to the Commission and certification of compliance with the sentencing guidelines.

Proposals related to §303.2 – Procedure for determining the guideline sentence

Proposed modification to note consideration of any offense gravity score modifications due to offense adjustments or sentencing factor adjustments as described in §303.3, and to reference incorporation of the sentence risk assessment instrument as part of the preparation of the sentencing guidelines.

Proposals related to §303.3 – Offense gravity score (general)

Proposed expansion of the number of offense gravity scores from the current 15 categories (14 general categories and one category for Murder 1 and Murder 2) to the proposed 42 categories (36 general categories and six Murder 1 and Murder 2 categories), with reassignment of omnibus offense gravity scores. This proposal, first suggested by the SPWG to include 48 categories, is intended to provide more targeted and consistent sentence recommendations and to allow modifications to the offense gravity score (e.g., step-up or step-down) to automate and reflect adjustments for sentencing factors and

enhancements. Details of the procedure used to reassign offense gravity scores is discussed in §303.15 (relating to offense listing).

Proposed modification of the offense gravity score assignments address offense adjustments (e.g., inchoate, ethnic intimidation, terrorism, ecoterrorism), sentencing factor adjustments (e.g., cooperation, course of conduct, role in offense), general enhancement provisions (e.g., deadly weapon, drug possession, criminal gang, domestic violence), and certain offense-specific enhancement provisions (e.g., human trafficking, arson offenses, sexual abuse of children). See Attachment 1.

Proposed offense adjustments decrease the offense gravity score assignments by one point for inchoate offenses and increase the offense gravity score assignments by two points for ethnic intimidation, terrorism, and ecoterrorism. Second or subsequent offenses for which the grade or statutory maximum are increased, including violations of the Controlled Substance, Drug, Device and Cosmetic Act, are assigned higher offense gravity scores than those assigned to initial offenses. Higher offense gravity scores are also assigned for distribution of controlled substances to minors when the maximum penalty is doubled.

Proposed sentencing factor adjustments include decreasing the offense gravity score assignments based on cooperation and limited role in the offense; and increasing the offense gravity score assignments based on aggravated role in the offense or course of conduct, including temporal or offense pattern, and circumstances involving multiple victims, repeat victimization, or vulnerable victim.

Proposed general enhancements, which increase the offense gravity score assignments by one or more points, include possession or use of a deadly weapon and drug trafficking in a school zone and/or to minors, replacing the separate matrices of the current sentencing guidelines. The offense gravity score is proposed to increase by two steps when the court determines an offender participated in a criminal gang and for specified offenses involving domestic violence. For most offense-specific enhancements, the offense gravity score assignments proposed in §303.15 have been increased to reflect consideration of the enhancement factor. In certain circumstances, additional enhancements apply.

This proposed approach to offense gravity score assignments, adjustments, and enhancements as proposed by the SPWG is intended to provide greater consistency and certainty in sentencing when common aggravating and mitigating factors are determined by the court to be present. Additionally, this and related proposals allow for streamlining and automating the application of numerous legislatively mandated sentence enhancements.

Proposals related to §303.4 – Prior record score (categories)

Proposed redesign of the prior record score categories and the procedures for determining the prior record score. The current eight prior record score categories (0-5, RFEL, REVOC) are replaced with four categories (0, Low, Medium, High). This proposal by the ARP creates categories that better distinguish criminal history and better reflect differences in risk to reoffend based on the seriousness and number of previous adjudications and convictions.

The proposed 0 category is limited to those with no prior convictions, or those with an extended period of law-abiding behavior following a conviction (e.g., Clean Slate). The proposed Low category includes those with a single prior M1 adjudication or conviction, or with multiple prior M2 or lesser offenses; the Medium category includes those with a single prior felony adjudication or conviction, or with multiple prior F3 or lesser offenses; and the High category including those with two or more prior F1 or F2 adjudications or convictions (RFEL), or with two or more prior adjudications or convictions for crimes of violence (REVOC).

This proposed approach to the prior record score determination is consistent with the JRI-II recommendation that the primary focus be on risk to reoffend, while retaining some consideration of blameworthiness by distinguishing those with no prior convictions or with long periods of crime-free behavior from those with continuing criminal conduct. And consistent with the MPCs recommendations, the impact of criminal history is substantially reduced in the sentence recommendation, shifting the primary focus to the current conviction offense and reducing the racial disparity associated with higher prior record score categories. See Attachment 2.

Proposals related to §303.5 – Prior record score (prior convictions)

Proposed addition of a lapsing provision for previous adult convictions. This was first recommended by the SPWG to address and standardize the common occurrence of mitigated sentences for stale prior records; the proposal was expanded and linked to provisions of Clean Slate by Drexel University law school students; the proposal was further refined by the ARP to include the elimination from the prior record score of any previous misdemeanor, ungraded felony, or F3 conviction upon successful completion of a 10-year crime-free period; elimination from the prior record score of any previous F1 or F2 conviction, unless specified as a crime of violence, upon completion of a 15-year crime-free period; and elimination from the prior record score of any previous conviction for a crime of violence upon successful completion of a 25-year crime-free period.

Proposals related to §303.6 – Prior record score (prior juvenile adjudications)

Proposed expansion of the existing lapsing provision for previous juvenile adjudications. The ARP closely examined the role of previous juvenile adjudications. The ARP noted research (e.g., brain development, age-crime curve, redemption and aging out of criminality), recent appellate court opinions, and the differences in purposes and procedural safeguards between the juvenile and adult justice systems, as support for a more limited consideration of previous juvenile adjudications in the prior record score. While previous juvenile adjudications only contribute to the prior record score in 6% of reported sentences, their impact on the sentence recommendation can be substantial.

The ARP proposed the retention of the policies that exclude consideration of previous juvenile adjudications for offenses committed prior to age 14 and for previous M2 and M3 juvenile adjudications; elimination from the prior record score of any previous juvenile adjudications for M1, F3 and ungraded felonies at age 21; elimination from the prior record score of any previous F1 or F2 juvenile adjudications at age 25, unless specified as a crime of violence; and elimination from the prior record score of any previous juvenile adjudication for a crime of violence upon successful completion of a 10-year crime-free period.

Proposals related to §303.7 – Prior record score (guideline points scoring)

Proposed replacement of the existing point scoring procedures with a new process, in which the first step involves the identification of the prior offense with the highest grade or statutory maximum, and the second step involves identification of prior offenses of the same grade or statutory maximum. This approach is intended to simplify and automate the preparation of the prior record score, and to better distinguish the seriousness of criminal history and the risk of re-offense.

Proposals related to §303.8 – Prior record score (miscellaneous)

Proposed modification to text related to excluded offenses, taking note of the new lapsing provisions proposed in §303.5 and §303.6.

Proposals related to §303.9 – Guideline sentence recommendations (general)

Proposed modification to text to address Murder 1 and Murder 2 recommendations and certain procedures related to enhancements and taking note of a single matrix replacing seven existing matrices.

Proposed modification to text to incorporate reference to the sentence risk assessment instrument, the recommendations related to obtaining additional information (RNR PSI) for consideration prior to sentencing, and reference to related MPCS provisions.

Proposed replacement of P1 and P2 with probation recommendations ranging from six months to 36 months in duration.

Proposed consideration of MPCS provisions related to recommendations or suggested limits of the use of concurrent and consecutive terms when imposing multiple sentences.

Proposals related to §303.10 – Guideline sentence recommendations (enhancements)

Proposed modifications to remove references to separate enhancement matrices and to the addition of months to sentence recommendations, and to add reference to the two procedures for applying enhancements: the assignment of an increased offense gravity score, particularly for offense-specific enhancements; and an increase of the assigned offense gravity score by one or more points, for both general enhancements and certain offense-specific enhancements.

Proposals related to §303.11 – Guideline sentence recommendations (sentencing levels)

Proposed modification of the existing five sentencing levels, which provide general classifications concerning the type of sentence, to seven sentencing levels, that more specifically target disposition and duration of sentences. This is consistent with the SPWG and JRI-II proposals to promote certainty in sentencing, evidence-based practices, and the efficient use of resources.

Proposed Level A targets the use of restorative sanctions other than probation, encouraging consideration of community service or fines as a sole sanction for relatively minor offenses. Level B targets the use of probation for durations ranging from six months to 36 months, with consideration of the use of restrictive conditions to address intensity of supervision. Level C targets confinement in a county facility and provides for a trade-off with restrictive conditions of probation as an alternative to confinement or consistent with a clinical assessment. Level D targets confinement in a state facility for most felony offenses. Level F targets confinement in a state facility for felonies with a statutory maximum of greater than 20 years. Level H targets sentences for Murder 1 and Murder 2 and incorporates applicable mandatory sentencing provisions.

Proposals related to §303.12 – Guideline sentence recommendations (sentencing programs)

No substantive proposals. This section was modified (7th Edition, Amendment 6) to include recently enacted legislation (Act 2019-225) and to describe correctional and sentencing programs. Modification to note the role of risk, needs, and responsivity to inform sentencing decisions.

Proposals related to §303.13 – Guideline sentence recommendations (aggravating and mitigating circumstances)

Proposed modification to disposition and duration of aggravated and mitigated ranges to correspond with sentencing levels.

Proposed Level A aggravated/mitigated adjustment to the standard range is 25 hours of community service. Level B aggravated/mitigated adjustment to the standard range is six months of probation or one month of restrictive conditions. Level C aggravated/mitigated adjustment to the standard range is two months of confinement in a county facility or the equivalent period of restrictive conditions of probation. Level D aggravated/mitigated adjustment to the standard range is four months of confinement in a county or state facility. Level E aggravated/mitigated adjustment to the standard range is six months of confinement in a state facility. Level F aggravated/mitigated adjustment to the standard range is 12 months of confinement in a state facility. Level H aggravated/mitigated adjustment to the standard range is 24 months of confinement in a state facility.

Proposed consideration of a common practice identified by the MPCs of providing a non-exclusive list of aggravating and mitigating reasons for consideration by the court.

Proposals related to §303.14 – Guideline sentence recommendations (economic sanctions)

Proposed modification to fines/community service guidelines to address the changes to the Basic Sentencing Matrix, including the addition of offense gravity score categories and reduction in the number of prior record score categories. Recommended hours of community service range from 25-50 hours (or comparable fine based on hourly wage) to 225-250 hours (or comparable fine based on hourly wage), with 25-hour increments.

Proposals related to §303.15 – Offense listing

Proposed offense gravity score assignments. See Attachment 3.

The standard range of the current offense gravity score serves as an anchor for the proposed reassignment, with the disposition and duration of the median sentence (based on an analysis of 2017-2019 sentencing data) used to refine the new assignment. This provides assignments that reflect the ‘typical sentence for the typical offense.’ Further modifications to the assignments promote uniformity and proportionality across offenses and address specified adjustments and enhancements.

Proposed changes to the drug offense categories combine several high-volume categories into a single category, due to the limited number of convictions reported and the ability of the court to depart from the guidelines due to substantially higher quantities. The proposals also increase the offense gravity score assignments when the statutory maximum is doubled (e.g., 35 P.S. §780-114 and §780-115).

Proposals related to §303.16(a) – Basic Sentencing Matrix

Proposed Basic Sentencing Matrix. See Attachment 4.

Proposals related to §303.16(b) – Sentencing Matrix for Offenders Convicted of 1st or 2nd Degree Murder

Proposed deletion. Incorporated into Basic Sentencing Matrix.

Proposals related to §303.17 – Deadly Weapon Enhancement Matrices

Proposed deletion. Addressed through modification to offense gravity score enhancement provisions (§303.3).

Proposals related to §303.18 – School and Youth Enhancement Matrices

Proposed deletion. Addressed through modifications to offense gravity score enhancement provisions (§303.3).

ATTACHMENT 1
Proposed Adjustments and Enhancements

Offense Adjustments				
Description	Statutory Authority	Guidelines	Enhancement	Sentencing Factor
Inchoate offenses				
-- Criminal attempt	18 Pa.C.S. §901	303.3 (c)	-1 OGS	Reduction in OGS assigned to object offense
-- Criminal solicitation	18 Pa.C.S. §902	303.3 (c)	-1 OGS	Reduction in OGS assigned to object offense
-- Criminal conspiracy	18 Pa.C.S. §903	303.3 (c)	-1 OGS	Reduction in OGS assigned to object offense
Ethnic intimidation				
	18 Pa.C.S. §2710	303.3 (d)	+2 OGS	Increase in OGS assigned to object offense
Terrorism				
	18 Pa.C.S. §2717	303.15	+2 OGS	Increase in OGS assigned to object offense
Ecoterrorism				
	18 Pa.C.S. §3311	303.15	+2 OGS	Increase in OGS assigned to object offense
Sentencing Factor Adjustments				
Description	Statutory Authority	Guidelines	Enhancement	Sentencing Factor
Cooperation				
	42 Pa.C.S. §2154(b)(4)	(new)	0	no factor present
			-1 OGS	accepts responsibility
			-2 OGS	provides substantial assistance
Course of conduct				
	42 Pa.C.S. §2154(b)(2)	(new)	+2 OGS	vulnerable victim
			+1 OGS	temporal or offense pattern
			0	no factor present
Role in offense				
	42 Pa.C.S. §2154(b)(4)	(new)	+1 OGS	aggravated role
			0	no factor present
			-1 OGS	mitigated role
General Enhancement Provisions				
Description	Statutory Authority	Guidelines	Enhancement	Sentencing Factor
Deadly weapon				
	42 Pa.C.S. §2154(b)(3)	§303.10 (a)	+3 OGS	deadly weapon used
			+2 OGS	deadly weapon possessed
			0	no factor present
School/youth drug possession				
	42 Pa.C.S. §2154(b)(3)	§303.10 (b)	+3 OGS	distribution to minor in school zone
			+2 OGS	distribution to minor
			+1 OGS	distribution in school zone
			0	no factor present
Criminal gang				
	42 Pa.C.S. §9720.4	§303.10 (c)	+2 OGS	committed crime of violence or PWID in association with criminal gang
			0	no factor present
Domestic violence				
	42 Pa.C.S. §9720.8	§303.10 (h)	+2 OGS	specified offense against family or household member
			*	if witnessed by minor, recommend defendant be ordered to pay costs/fees associated with assessment/treatment of minor
			0	no factor present

ATTACHMENT 1
Proposed Adjustments and Enhancements

Offense-Specific Enhancement Provisions				
<i>(In addition to these proposals, certain offense-specific enhancements are included in the OGS assignments at §303.15, and designate</i>				
Description	Statutory Authority	Guidelines	Enhancement	Sentencing Factor
Human Trafficking	42 Pa.C.S. §3024	§303.10 (g)	<u>Enhancement of 18 Pa.C.S. §§3011, 3012</u>	
			+2 OGS	sexual servitude
			+2 OGS	minor <18 years of age
			+2 OGS	minor <13 yers of age
			+2 OGS	kidnapping, rape, or IDSI in the course of the offense
			*	add enhancement for each factor present unless included in OGS assignment; maximum increase is +8 OGS
			0	no factor present
Arson offenses	42 Pa.C.S. §9720.6	§303.10 (f); §303.10 (i)(1)(ii)	<u>Enhancement of 18 Pa.C.S. §3301</u>	
			+2 OGS	more than three people in building (F1 offense)
			+3 OGS	more than three people in building (<F1 offense)
			+2 OGS	> \$1 million in damage (F1 offense)
			+3 OGS	> \$1 million in damage (<F1 offense)
			+2 OGS	incendiary device (F1 offense)
			+3 OGS	incendiary device (<F1 offense)
			*	add enhancement for each factor present unless included in OGS assignment; maximum increase for F1 offense is +6 OGS; maximum increase for <F1 offense is +9 OGS
			0	no factor present
Sexual abuse of children	42 Pa.C.S. §9720.5	§303.10 (e); §303.10 (i)(1)(iv)	<u>Enhancement of 18 Pa.C.S. §6312</u>	
			+1 step	sexual or violent abuse depicted
			+1 step	>50 -200 omages
			+2 steps	>200 - 500 images
			+3 steps	>500 images
			*	add enhancement for each factor present unless included in OGS assignment; maximum increase is +4 steps.
			**	beginning with OGS assignment in §303.15, increase OGS to next-listed assignment for each step: OGS 12; OGS 15; OGS 18; OGS 20; OGS 22; OGS 23; OGS 24; OGS 25; OGS 27.
			0	no factor present

ATTACHMENT 2
Proposed Prior Record Score Procedure

- A. Identify all offenses for which the defendant was adjudicated delinquent or convicted prior to the date of the current offense:
- (1) Juvenile adjudications – consider the most serious offense for which the individual was adjudicated delinquent from each disposition that meets the following criteria:
 - a. Individual 14 years of age or older at the time of the offense.
 - b. There was an express finding by the juvenile court that the adjudication was for a felony or M1 offense (exclude consideration of all lesser offenses).
 - (2) Adult convictions – consider every offense for which the individual was convicted. For former Pennsylvania offenses and out-of-state offenses:
 - a. Determine the current equivalent Pennsylvania offense.
 - b. Identify the grade associated with the current equivalent offense.
- B. Lapsing provisions. Remove the following offenses from consideration in the prior record score:
- (1) Juvenile adjudications:
 - a. At 21 years of age, remove all offenses with the following grades: M1, F, F3.
 - b. At 25 years of age, remove all offenses with the following grades, unless designated as a violent offense: F2, F1.
 - c. Crime-free period. If the defendant has successfully completed a 10-year crime-free period since the last adjudication or conviction, remove the remaining juvenile adjudications.
 - (2) Adult convictions:
 - a. Crime-free period. If the defendant has successfully completed a 10-year crime-free period since the last conviction, remove all offenses with the following grades: M, M3, M2, M1, F, F3.
 - b. Crime-free period. If the defendant has successfully completed a 15-year crime-free period since the last conviction, remove all offenses with the following grades, unless designated as a crime of violence: F2, F1.
 - c. Crime-free period. If the defendant has successfully completed a 25-year crime-free period since the last conviction, remove the remaining adult convictions.
- C. Determine Prior Record Score category by identifying the most serious previous adjudication or conviction offense, and then determining the number of previous offenses with the same grade:

Most Serious Prior Offense	Total Most Serious Priors	Total Most Serious Priors	Total Most Serious Priors
	0	1	2 or more
	PRS Category	PRS Category	PRS Category
Crime of Violence	0	Medium	High (REVOC)
Other F-1 or F-2	0	Medium	High (RFEL)
F-3 or Ungraded Felony	0	Medium	Medium
M-1	0	Low	Medium
M-2, M3, or Ungraded Misdemeanor	0	Low	Low

ATTACHMENT 3

§303.15. Offense Listing.

CRIMES CODE OFFENSES

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	<u>PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE</u>
907 (a)	Possessing instruments of crime (criminal instruments)	M-1	3	<u>7</u>
907 (b)	Possessing instruments of crime (weapon)	M-1	4	<u>9</u>
907 (c)	Possessing instruments of crime (unlawful body armor)	F-3	5	<u>12</u>
908 (a)	Prohibited offensive weapons	M-1	4	<u>6</u>
908.1 (a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	8	<u>18</u>
908.1 (a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	5	<u>9</u>
908.1 (a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	7	<u>15</u>
908.1 (a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	4	<u>6</u>
909 (a)	Manufacture/etc.-master key for motor vehicle	M-1	3	<u>7</u>
910 (a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	8	<u>18</u>
910 (a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	6	<u>12</u>
910 (a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	4	<u>8</u>
910 (a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	6	<u>12</u>
910 (a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	8	<u>19</u>
910 (a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	8	<u>18</u>
910 (a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	6	<u>12</u>
910 (a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	4	<u>8</u>
910 (a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	6	<u>12</u>
910 (a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	8	<u>19</u>
910 (a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	8	<u>18</u>
910 (a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	6	<u>12</u>
910 (a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	4	<u>8</u>
910 (a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	6	<u>12</u>
910 (a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	8	<u>19</u>
910 (a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	8	<u>18</u>
910 (a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	6	<u>12</u>
910 (a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	4	<u>8</u>
910 (a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	6	<u>12</u>
910 (a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	8	<u>19</u>

ATTACHMENT 3

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
911 (b)(1)	Corrupt organizations	F-1	8	<u>19</u>
911 (b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	8	<u>19</u>
911 (b)(3)	Corrupt organizations-employee participation	F-1	8	<u>19</u>
911 (b)(4)	Corrupt organizations-conspire	F-1	8	<u>19</u>
912 (b)	Possession of weapon on school property	M-1	4	<u>7</u>
913 (a)(1)	Possession of weapon in court facility	M-3	1	<u>2</u>
913 (a)(2)	Possession of weapon in court facility (intend for crime)	M-1	3	<u>7</u>
2102 (a)(1)	Desecration of flag (marks or writing)	M-3	1	<u>2</u>
2102 (a)(2)	Desecration of flag (public view of defiled flag)	M-3	1	<u>2</u>
2102 (a)(3)	Desecration of flag (manufactures for advertisement)	M-3	1	<u>2</u>
2102 (a)(4)	Desecration of flag (defile/mutilate)	M-3	1	<u>2</u>
2103	Insults to national or Commonwealth flag	M-2	2	<u>3</u>
2502 Inchoate	--Attempt/solicitation/conspiracy to Murder (SBI)	18 Pa.C.S. §1102(c)	14	<u>32</u>
2502 Inchoate	--Attempt/solicitation/conspiracy to Murder (No SBI)	18 Pa.C.S. §1102(c)	13	<u>30</u>
2502 (a)	Murder-1st degree	Murder of 1st Degree	15	<u>H1 (A)</u>
2502 (a)	Murder-1st degree (offender 15-<18 yrs)	Murder of 1st Degree	15	<u>H1 (B)</u>
2502 (a)	Murder-1st degree (offender <15 yrs)	Murder of 1st Degree	15	<u>H1 (C)</u>
2502 (b)	Murder-2nd degree	Murder of 2nd Degree	15	<u>H2 (A)</u>
2502 (b)	Murder-2nd degree (offender 15-<18 yrs)	Murder of 2nd Degree	15	<u>H2 (B)</u>
2502 (b)	Murder-2nd degree (offender <15 yrs)	Murder of 2nd Degree	15	<u>H2 (C)</u>
2502 (c)	Murder-3rd degree	F-1	14	<u>34</u>
2502 (c)	Murder-3rd degree (victim <13 yrs) (E)	F-1	14	<u>35</u>
2503 (a)(1)	Voluntary manslaughter (provocation from victim)	F-1	11	<u>25</u>
2503 (a)(2)	Voluntary manslaughter (provocation from another)	F-1	11	<u>25</u>
2503 (b)	Voluntary manslaughter (believe justified)	F-1	11	<u>25</u>
2504 (a)	Involuntary manslaughter (victim <12 yrs)	F-2	8	<u>19</u>
2504 (a)*	Involuntary manslaughter (with DUI conviction)	M-1	8	<u>18</u>
2504 (a)*	Involuntary manslaughter (with BUI conviction)	M-1	8	<u>18</u>
2504 (a)*	Involuntary manslaughter	M-1	6	<u>14</u>
2505 (a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	15	<u>H1 (A)</u>
2505 (a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	15	<u>H2 (A)</u>
2505 (a)	Suicide, causing (as homicide/murder 3)	F-1	14	<u>34</u>
2505 (a)	Suicide, causing (as homicide/murder 3) (<18/disability/autism) (E)	F-1	14	<u>35</u>
2505 (a)	Suicide, causing (as homicide/vol manslaughter)	F-1	11	<u>25</u>

ATTACHMENT 3

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
2505 (a)	Suicide, causing (as homicide/vol manslaughter) (<18/disability/autism) (E)	F-1	11	26
2505 (a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	6	16
2505 (a)	Suicide, causing (as homicide/invol. manslaughter) (<18/disability/autism) (E)	M-1	6	17
2505 (a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs)	F-2	8	19
2505 (a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs) (<18/disability/autism) (E)	F-2	8	20
2505 (a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv)	M-1	8	18
2505 (a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv) (<18/disability/autism) (E)	M-1	8	19
2505 (b)	Suicide, aiding or soliciting (positive result)	F-2	6	16
2505 (b)	Suicide, aiding or soliciting (positive result) (<18/disability/autism) (E)	F-2	6	17
2505 (b)	Suicide, aiding or soliciting (no result)	M-2	2	3
2505 (b)	Suicide, aiding or soliciting (no result) (<18/disability/autism) (E)	M-2	2	5
2506 (a)	Drug delivery resulting in death	F-1	13	28
2507 Inchoate	--Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI)	18 Pa.C.S. §1102(c)	14	32
2507 Inchoate	--Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI)	18 Pa.C.S. §1102(c)	13	30
2507 (a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	15	H1 (A)
2507 (a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	H1 (B)
2507 (a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	H1 (C)
2507 (b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	15	H2 (A)
2507 (b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	H2 (B)
2507 (b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	H2 (C)
2507 (c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	14	26
2507 (c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	14	26
2507 (c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	14	26
2507 (d)	Manslaughter of law enforcement officer (2nd degree)	F-2	9	20
2604 Inchoate	--Attempt/solicitation/conspiracy to Murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	14	36
2604 Inchoate	--Attempt/solicitation/conspiracy to Murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	13	30
2604 (a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	15	H1 (A)
2604 (a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	H1 (B)

ATTACHMENT 3

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
2604 (a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	H1 (C)
2604 (b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	15	H2 (A)
2604 (b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	H2 (B)
2604 (b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	H2 (C)
2604 (c)(1)	Murder of unborn child-3rd degree	F-1	14	35
2605 (a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	11	25
2605 (a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	11	25
2605 (b)	Voluntary manslaughter of unborn child (believe justified)	F-1	11	25
2606 (a)*	Aggravated assault of unborn child (causes SBI)	F-1	11	26
2606 (a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	10	24
2701 (a)(1)	Simple assault-attempt/cause BI	M-2	3	7
2701 (a)(1)_	Simple assault-[attempt/]cause BI (against child <12 by adult >=18)	M-1	4	12
2701 (a)(1)*	Simple assault-attempt BI (against child <12 by adult >=18)	M-1	4	11
2701 (a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	1	5
2701 (a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	3	7
2701 (a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18)	M-1	4	13
2701 (a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	1	5
2701 (a)(3)	Simple assault-cause fear of SBI	M-2	3	7
2701 (a)(3)	Simple assault-cause fear of SBI (against child <12 by adult >=18)	M-1	4	11
2701 (a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	1	5
2701 (a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	3	7
2701 (a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18)	M-1	4	11
2701 (a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	1	5
2702 (a)(1)*	Aggravated assault-cause SBI (extreme indifference to human life)	F-1	11	27
2702 (a)(1)*	Aggravated assault-cause SBI	F-1	11	24
2702 (a)(1)*	Aggravated assault-attempt SBI	F-1	10	22
2702 (a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	11	25
2702 (a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	10	23
2702 (a)(3)_	Aggravated assault-[attempt/]cause BI to police/enumerated persons	F-2	6	15
2702 (a)(3)*	Aggravated assault-attempt BI to police/enumerated persons	f-2	6	14
2702 (a)(4)*	Aggravated assault-[attempt/]cause BI w/ deadly weapon	F-2	8	19
2702 (a)(4)*	Aggravated assault-attempt BI w/ deadly weapon	f-2	8	18
2702 (a)(5)_	Aggravated assault-[attempt/]cause BI to teacher, etc.	F-2	6	15
2702 (a)(5)*	Aggravated assault-attempt BI to teacher, etc.	F-2	6	14
2702 (a)(6)	Aggravated assault-cause fear of SBI	F-2	6	15

ATTACHMENT 3

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
2702 (a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	6	<u>15</u>
2702 (a)(8)*	Aggravated assault-[attempt/]cause BI (against child <6 by person >=18)	F-2	7	<u>17</u>
2702 (a)(8)*	Aggravated assault-attempt BI (against child <6 by person >=18)	F-2	7	16
2702(a)(9)*	Aggravated assault-cause SBI (against child <13 by person >=18)	F-1	12	<u>26</u>
2702 (a)(9)*	Aggravated assault-attempt SBI (against child <13 by person >=18)	F-1	11	<u>24</u>
2702.1 (a)*	Assault of law enforcement officer-discharge firearm (1st degree) (cause BI)	F-1	13	<u>34</u>
2702.1 (a)*	Assault of law enforcement officer-discharge firearm (1st degree) (attempt BI)	F-1	13	33
2703 (a)	Assault by prisoner	F-2	7	<u>15</u>
2703.1	Aggravated harassment by prisoner	F-3	6	<u>12</u>
2704	Assault by life prisoner	Murder of 2nd Degree	15	H2 (A)
2704 Inchoate	--Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. §1102(c)	14	<u>30</u>
2704 Inchoate	--Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. §1102(c)	13	<u>28</u>
2705	Recklessly endangering another person	M-2	3	<u>7</u>
2706 (a)(1)	Terroristic threats-intent to terrorize	M-1	3	<u>9</u>
2706 (a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	<u>10</u>
2706 (a)(2)	Terroristic threats-cause evacuation of building	M-1	3	<u>9</u>
2706 (a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	<u>10</u>
2706 (a)(3)	Terroristic threats-serious public inconvenience	M-1	3	<u>9</u>
2706 (a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	<u>10</u>
2707 (a)	Propulsion of missiles into an occupied vehicle	M-1	3	<u>8</u>
2707 (b)	Propulsion of missiles onto a roadway	M-2	2	<u>5</u>
2707.1 (a)	Discharge of firearm into an occupied structure	F-3	10	<u>21</u>
2708 (a)	Use of tear gas in labor dispute	M-1	3	<u>8</u>
2709(a)(1)	Harassment-subject other physical contact (prev. violation of order)	M-3	1	<u>5</u>
2709(a)(2)	Harassment-follow in public place (prev. violation of order)	M-3	1	<u>5</u>
2709(a)(3)	Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)	M-3	1	<u>5</u>
2709 (a)(4)	Harassment-lewd communication	M-3	1	<u>5</u>
2709 (a)(5)	Harassment-repeated, anonymous communication	M-3	1	<u>5</u>
2709 (a)(6)	Harassment-repeated communication: inconvenient hours	M-3	1	<u>5</u>
2709 (a)(7)	Harassment-repeated communication: other	M-3	1	<u>5</u>
2709 (a.1)(1)(i)	Cyber harassment of a child; seriously disparaging statements or opinion (course of conduct)	M-3	1	<u>2</u>
2709 (a.1)(1)(ii)	Cyber harassment of a child; threat to inflict harm (course of conduct)	M-3	1	<u>2</u>
2709.1 (a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	4	<u>9</u>
2709.1 (a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	6	<u>13</u>

ATTACHMENT 3

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
2709.1 (a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	6	<u>14</u>
2709.1 (a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	4	<u>9</u>
2709.1 (a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	6	<u>13</u>
2709.1 (a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	6	<u>14</u>
2712 (a)	Assault-sports official	M-1	3	<u>10</u>
2713 (a)(1)	Neglect of care-dependent person-no treatment (cause death)	F-1	11	<u>24</u>
2713 (a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	10	<u>22</u>
2713 (a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	4	<u>9</u>
2713 (a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause death)	F-1	11	<u>24</u>
2713 (a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	10	<u>22</u>
2713 (a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	4	<u>9</u>
2713 (a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct)	F-3	5	<u>10</u>
2713 (a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc.	M-2	2	<u>5</u>
2713.1 (a)(1)(i)	Abuse of care-dependent person-intent to harass, etc. (strike, shove kick)	M-1	4	<u>7</u>
2713.1 (a)(1)(ii)	Abuse of care-dependent person-intent to harass, etc. (course of conduct)	M-1	4	<u>7</u>
2713.1 (a)(1)(iii)	Abuse of care-dependent person-intent to harass, etc. (communications-type)	M-1	3	<u>8</u>
2713.1 (a)(1)(iv)	Abuse of care-dependent person-intent to harass, etc. (communicate-extremely inconvenient hours)	M-1	3	<u>8</u>
2713.1 (a)(2)	Abuse of care-dependent person-offense under 18 §2709.1 (related to stalking)	F-3	5	<u>10</u>
2714	Unauthorized administration of intoxicant	F-3	8	<u>18</u>
2715 (a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	<u>8</u>
2715 (a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	<u>10</u>
2715 (a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	<u>15</u>
2715 (a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	<u>8</u>
2715 (a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	<u>15</u>
2715 (a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	<u>15</u>
2716 (a)	Weapons of mass destruction-possession (1st off)	F-2	7	<u>15</u>
2716 (a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	<u>24</u>
2716 (b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	15	<u>H2 (A)</u>
2716 (b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	13	<u>28</u>
2716 (b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	13	<u>28</u>

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2716 (b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	13	<u>28</u>
2718 (a)(1)	Strangulation- applying pressure to throat or neck	M-2	3	<u>7</u>
2718 (a)(1)	Strangulation-applying pressure to throat or neck	F-2	9	<u>19</u>
2718 (a)(1)	Strangulation-applying pressure to throat or neck	F-1	10	<u>22</u>
2718 (a)(2)	Strangulation-blocking nose and mouth	M-2	3	<u>7</u>
2718 (a)(2)	Strangulation-blocking nose and mouth	F-2	9	<u>19</u>
2718 (a)(2)	Strangulation-blocking nose and mouth	F-1	10	<u>22</u>
2802 (a)(1)	Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI)	M-3	1	<u>5</u>
2802 (a)(2)	Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI)	M-3	1	<u>5</u>
2802 (a)(3)	Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI)	M-3	2	<u>5</u>
2802 (a)(4)	Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI)	M-3	2	<u>5</u>
2802 (a)(5)	Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI)	M-3	2	<u>5</u>
2802 (a)(6)	Hazing a minor or student-endure other activity (reasonable likelihood of BI)	M-3	1	<u>5</u>
2803 (a)(1)*	Aggravated hazing a minor or student-reckless indifference (SBI)	F-3	5	<u>14</u>
2803 (a)(1)*	Aggravated hazing a minor or student-reckless indifference (death)	F-3	7	<u>17</u>
2803 (a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI)	F-3	5	<u>14</u>
2803 (a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death)	F-3	7	<u>17</u>
2901 (a)(1)	Kidnapping-for ransom (victim >=18 yrs)	F-1	10	<u>21</u>
2901 (a)(2)	Kidnapping-to facilitate a felony (victim >=18 yrs)	F-1	10	<u>21</u>
2901 (a)(3)	Kidnapping-to inflict terror, BI (victim >=18 yrs)	F-1	10	<u>21</u>
2901 (a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs)	F-1	10	<u>21</u>
2901 (a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs)	F-1	10	<u>22</u>
2901 (a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs)	F-1	10	<u>23</u>
2901 (a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs)	F-1	10	<u>22</u>
2901 (a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs)	F-1	10	<u>23</u>
2901 (a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs)	F-1	10	<u>23</u>
2901 (a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs)	F-1	10	<u>23</u>
2901 (a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs)	F-1	10	<u>22</u>
2901 (a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs)	F-1	10	<u>23</u>
2902 (a)(1)	Unlawful restraint-risk SBI	M-1	3	<u>9</u>
2902 (a)(2)	Unlawful restraint-involuntary servitude	M-1	3	<u>9</u>
2902 (b)(1)	Unlawful restraint-risk SBI (victim <18 yrs)	F-2	8	<u>18</u>
2902 (b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs)	F-2	8	<u>18</u>
2902 (c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs)	F-2	8	<u>18</u>
2902 (c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs)	F-2	8	<u>18</u>
2903 (a)	False imprisonment (victim >=18 yrs)	M-2	2	<u>6</u>

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2903 (b)	False imprisonment (victim <18 yrs)	F-2	8	<u>18</u>
2903 (c)	False imprisonment by parent (victim<18 yrs)	F-2	7	<u>15</u>
2904 (a)	Interfere with custody of children	F-3	6	<u>13</u>
2904 (a)*	Interfere with custody of children-good cause/time <24 hrs.	M-2	3	<u>8</u>
2904 (a)*	Interfere with custody of children-good cause/time <24 hrs. (ML Tier I)	M-2	3	<u>8</u>
2904 (a)	Interfere with custody of children-w/ reckless disregard	F-2	8	<u>18</u>
2905 (a)	Interfere with custody of committed person	M-2	4	<u>6</u>
2906 (a)(1)	Criminal coercion-threat to commit crime	M-2	2	<u>5</u>
2906 (a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	<u>8</u>
2906 (a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	<u>5</u>
2906 (a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	<u>8</u>
2906 (a)(3)	Criminal coercion-threat to expose secret	M-2	2	<u>5</u>
2906 (a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	<u>8</u>
2906 (a)(4)	Criminal coercion-threaten official act	M-2	2	<u>5</u>
2906 (a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	<u>8</u>
2907	Disposition of ransom	F-3	5	<u>12</u>
2909 (b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	<u>12</u>
2909 (b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	<u>12</u>
2910 (a)	Luring child into motor vehicle/structure	M-1	5	<u>8</u>
2910	Luring a child into motor vehicle/structure (child <13 yrs)	F-2	8	<u>19</u>
3011 (a)(1)	[Human trafficking- trafficking] Trafficking in individuals- [(recruits, entices, solicits, harbors, etc.)]	[F-2] F-1	[12] 10	21 21
3011 (a)(1)	Trafficking in individuals recruits, entices, solicits, harbors, etc. (minor being subjected to sexual servitude, course of conduct) (as provided in §3011(b)) (E)	F-1	12	27
3011 (a)(2)	[Human trafficking- trafficking] Trafficking in individuals- [(knowingly benefits financially)]	[F-2] F-1	[12] 10	21 21
3011 (a)(2)	Trafficking in individuals-knowingly benefits financially (minor being subjected to sexual servitude, course of conduct) (as provided in §3011(b)) (E)	F-1	12	27
3011 (a)(3)	Trafficking in individuals-knows or recklessly disregards	F-2	9	19
3011 (a)(4)	Trafficking in individuals-knowingly benefits financially	F-2	9	19
[3011(b)]	[Human trafficking- trafficking in minors (activities in (a) result in minor's sexual servitude)]	[F-1]	[12]	
3012 (b)(1)*	[Human trafficking- involuntary-] Involuntary servitude- [(cause serious harm)]	F-1	10	<u>21</u>
3012 (b)(1)*	[Human trafficking- involuntary-] Involuntary servitude- [(threaten serious harm)]	F-1	9	<u>19</u>
3012 (b)(2)*	[Human trafficking- involuntary-] Involuntary servitude- [(physically restrain another)]	F-1	10	<u>21</u>
3012 (b)(2)*	[Human trafficking- involuntary-] Involuntary servitude- [(threaten to physically restrain another)]	F-1	9	<u>19</u>
3012 (b)(3)*	[Human trafficking- involuntary-] Involuntary servitude- [(kidnap)](E)	F-1	11	<u>24</u>
3012 (b)(3)*	[Human trafficking- involuntary-] Involuntary servitude- [(attempt to kidnap)]	F-1	10	<u>22</u>
3012 (b)(4)*	[Human trafficking- involuntary-] Involuntary servitude- [(abuse legal process)]	F-1	10	<u>21</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3012 (b)(4)*	[Human trafficking involuntary-] Involuntary servitude- [({})threaten to abuse legal process({})]	F-1	9	<u>19</u>
3012 (b)(5)	[Human trafficking involuntary-] Involuntary servitude- [({})taking/retaining personal property({})]	F-1	10	<u>21</u>
3012 (b)(6)	[Human trafficking involuntary-] Involuntary servitude- (unlawful conduct of documents({}))	F-1	10	<u>21</u>
3012 (b)(7)	[Human trafficking involuntary-] Involuntary servitude- [({})extortion({})]	F-1	10	<u>21</u>
3012 (b)(8)	[Human trafficking involuntary-] Involuntary servitude- [({})fraud({})]	F-1	10	<u>21</u>
3012 (b)(9)	[Human trafficking involuntary-] Involuntary servitude- [({})criminal coercion({})]	F-1	10	<u>21</u>
3012 (b)(10)*	[Human trafficking involuntary-] Involuntary servitude- [({})duress through force({})]	F-1	10	<u>21</u>
3012 (b)(10)*	[Human trafficking involuntary-] Involuntary servitude- [({})duress through threat of force({})]	F-1	9	<u>19</u>
3012 (b)(11)	[Human trafficking involuntary-] Involuntary servitude-(debt coercion({}))	F-1	10	<u>21</u>
3012 (b)(12)	[Human trafficking involuntary-] Involuntary servitude- [({})facilitate/restrict access to controlled substance({})]	F-1	10	<u>21</u>
3012 (b)(13)	[Human trafficking involuntary-] Involuntary servitude- [({})cause believe harm/restraint to another({})]	F-1	10	<u>21</u>
3013 (a)(1)*	[Human trafficking patronizing-] Patronizing victim of sexual servitude	[F-2] <u>F-1</u>	10	<u>21</u>
3013 (a)(1)*	Patronizing victim of sexual servitude-minor victim	<u>F-1</u>	<u>11</u>	<u>24</u>
3013 (a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard (1st offense)	<u>F-3</u>	<u>6</u>	<u>12</u>
3013 (a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard; minor victim (1st offense)	<u>F-3</u>	<u>7</u>	<u>15</u>
3013 (a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard (2nd/subsq offense)	<u>F-1</u>	<u>9</u>	<u>20</u>
3013 (a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard; minor victim (2nd/subsq offense)	<u>F-1</u>	<u>10</u>	<u>22</u>
3014 (1)	[Human trafficking unlawful-] Unlawful conduct regarding documents- [({})passport/other immigration document({})]	F-3	6	<u>12</u>
3014 (2)	[Human trafficking unlawful-] Unlawful conduct regarding documents- [({})government ID document({})]	F-3	6	<u>12</u>
3015 (a)(1)	[Human trafficking nonpayment-] Nonpayment of wages (<\$2,000)	M-3	2	<u>5</u>
3015 (a)(2)(i)	[Human trafficking nonpayment-] Nonpayment of wages (=>\$2,000)	F-3	6	<u>12</u>
3015 (a)(2)(ii)	[Human trafficking nonpayment-] Nonpayment of wages (2 nd /subsq. violation)	F-3	6	<u>13</u>
3015 (a)(2)(iii)	[Human trafficking nonpayment-] Nonpayment of wages (falsely denies amount due or validity of claim)	F-3	6	<u>12</u>
3016	[Human trafficking obstruction-] Obstruction of justice[;]- interfere with enforcement of chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3121 (a)(1)	Rape-forcible compulsion	F-1	12	<u>27</u>
3121 (a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	13	<u>29</u>
3121 (a)(2)	Rape-threat of forcible compulsion	F-1	12	<u>26</u>
3121 (a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	13	<u>29</u>
3121 (a)(3)	Rape-unconscious victim	F-1	12	<u>27</u>
3121 (a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	13	<u>29</u>
3121 (a)(4)	Rape-substantially impaired victim	F-1	12	<u>27</u>
3121 (a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	13	<u>29</u>
3121 (a)(5)	Rape-mentally disabled victim	F-1	12	<u>27</u>
3121 (a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	13	<u>29</u>
3121 (c)	Rape-child (victim <13 yrs)	F-1	14	<u>33</u>
3121 (d)	Rape-child w/ SBI (victim <13 yrs)	F-1	14	<u>34</u>
3122.1 (a)(1)	Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older)	F-2	7	<u>16</u>
3122.1 (a)(2)	Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older)	F-2	8	<u>18</u>
3122.1 (b)	Statutory sexual assault-victim <16 yrs (person >=11 yrs older)	F-1	9	<u>20</u>
3123 (a)(1)	IDSI-forcible compulsion	F-1	12	<u>27</u>
3123 (a)(2)	IDSI-threat of forcible compulsion	F-1	12	<u>26</u>
3123 (a)(3)	IDSI-unconscious victim	F-1	12	<u>27</u>
3123 (a)(4)	IDSI-substantially impaired victim	F-1	12	<u>27</u>
3123 (a)(5)	IDSI-mentally disabled victim	F-1	12	<u>27</u>
3123 (a)(7)	IDSI-victim <16 yrs (person >=4 yrs older)	F-1	12	<u>27</u>
3123 (b)	IDSI-child (victim <13 yrs)	F-1	14	<u>33</u>
3123 (c)	IDSI-child w/ SBI (victim <13 yrs)	F-1	14	<u>34</u>
3124.1	Sexual assault	F-2	11	<u>24</u>
3124.2 (a)	Institutional sexual assault-generally	F-3	6	<u>12</u>
3124.2 (a.1)	Institutional sexual assault-minor (victim <18 yrs)	F-3	6	<u>14</u>
3124.2 (a.2)	Institutional sexual assault-by school volunteer/employee	F-3	6	<u>14</u>
3124.2 (a.3)	Institutional sexual assault-by child care volunteer/employee	F-3	6	<u>14</u>
3124.3(a)	Sexual assault by sports official of non-profit association	F-3	6	<u>13</u>
3124.3(b)	Sexual assault by volunteer or employee of non-profit association	F-3	6	<u>13</u>
3125 (a)(1)	Aggravated indecent assault-w/o consent	F-2	10	<u>21</u>
3125 (a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	<u>27</u>
3125 (a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	<u>21</u>
3125 (a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	<u>26</u>
3125 (a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	<u>21</u>
3125 (a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	<u>26</u>
3125 (a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	<u>23</u>
3125 (a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	<u>27</u>
3125 (a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	<u>22</u>
3125 (a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	<u>27</u>
3125 (a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	<u>23</u>

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3125 (a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	<u>27</u>
3125 (a)(7)	Aggravated indecent assault-victim <13 yrs	F-2	10	<u>23</u>
3125 (a)(8)	Aggravated indecent assault-victim <16 yrs (person >=4 yrs older)	F-2	10	<u>23</u>
3126 (a)(1)	Indecent assault-w/o consent	M-2	4	<u>7</u>
3126 (a)(2)	Indecent assault-forcible compulsion	M-1	5	<u>11</u>
3126 (a)(3)	Indecent assault-threat of forcible compulsion	M-1	5	<u>10</u>
3126 (a)(4)	Indecent assault-unconscious victim	M-1	5	<u>12</u>
3126 (a)(5)	Indecent assault-substantially impaired victim	M-1	5	<u>12</u>
3126 (a)(6)	Indecent assault-mentally disabled victim	M-1	5	<u>12</u>
3126 (a)(7)	Indecent assault-victim <13 yrs	M-1	5	<u>12</u>
3126 (a)(7)	Indecent assault-victim <13 yrs (2nd/subsq)	F-3	6	<u>18</u>
3126 (a)(7)	Indecent assault-victim <13 yrs/course of conduct	F-3	6	<u>18</u>
3126 (a)(7)	Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's	F-3	6	<u>16</u>
3126 (a)(7)	Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's	F-3	6	<u>16</u>
3126 (a)(8)	Indecent assault-victim <16 yrs (person >=4 yrs older)	M-2	4	<u>10</u>
3127 (a)	Indecent exposure	M-2	3	<u>7</u>
3127 (a)	Indecent exposure-victim <16 yrs	M-1	4	<u>9</u>
3129	Sexual intercourse with animal	M-2	2	<u>5</u>
3130 (a)(1)	Conduct relating to sex offenders-withhold information	F-3	5	<u>11</u>
3130 (a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	5	<u>11</u>
3130 (a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	5	<u>11</u>
3130 (a)(4)	Conduct relating to sex offenders-provide false information	F-3	5	<u>11</u>
3131 (a)	Unlawful dissemination of intimate image (person depicted is minor <18 yrs)	M-1	3	<u>8</u>
3131 (a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs)	M-2	2	<u>5</u>
3132 (a)(1)	Female mutilation	F-1	12	26
3132 (a)(2)	Female mutilation- is a parent of a minor and the parent knowingly consents or permits	F-1	11	24
3132 (a)(3)	Female mutilation- knowingly removes or permits the removal of a minor from this Commonwealth	F-1	11	24
3133 (a)(1)	Sexual extortion-engage in sexual conduct	M-1	3	8
3133 (a)(1)	Sexual extortion-engage in sexual conduct: victim<18 (E)	F-3	6	15
3133 (a)(1)	Sexual extortion-engage in sexual conduct: intellectual disability (E)	F-3	6	15
3133 (a)(1)	Sexual extortion-engage in sexual conduct: offender's position (E)	F-3	6	15
3133 (a)(1)	Sexual extortion -engage in sexual conduct: course of conduct	F-3	5	11
3133 (a)(1)	Sexual extortion-engage in sexual conduct: 2nd/subsq	F-3	5	12
3133 (a)(2)	Sexual extortion-produce/disseminate image, etc.	M-1	3	8
3133 (a)(2)	Sexual extortion- produce/disseminate image, etc.: victim<18 (E)	F-3	6	14
3133 (a)(2)	Sexual extortion-produce/disseminate image, etc.: intellectual disability (E)	F-3	6	14

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
<u>3133 (a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: offender's position (E)</u>	<u>F-3</u>	<u>6</u>	<u>14</u>
<u>3133 (a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: course of conduct</u>	<u>F-3</u>	<u>5</u>	<u>11</u>
<u>3133 (a)(2)</u>	<u>Sexual extortion-produce/disseminate image, etc.: 2nd/subsq</u>	<u>F-3</u>	<u>5</u>	<u>12</u>
<u>3133 (c)(1)</u>	<u>Sexual extortion- solicit/demand payment to remove/prevent disclosure of image, etc.</u>	<u>M-1</u>	<u>3</u>	<u>8</u>
<u>3133 (c)(1)</u>	<u>Sexual extortion- solicit/demand payment to remove/prevent disclosure of image, etc.: victim<18 (E)</u>	<u>F-3</u>	<u>6</u>	<u>14</u>
<u>3133 (c)(1)</u>	<u>Sexual extortion- solicit/demand payment to remove/prevent disclosure of image, etc.: intellectual disability (E)</u>	<u>F-3</u>	<u>6</u>	<u>14</u>
<u>3133 (c)(1)</u>	<u>Sexual extortion- solicit/demand payment to remove/prevent disclosure of image, etc.: offender's position (E)</u>	<u>F-3</u>	<u>6</u>	<u>14</u>
<u>3133 (c)(1)</u>	<u>Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: course of conduct</u>	<u>F-3</u>	<u>5</u>	<u>11</u>
<u>3133 (c)(1)</u>	<u>Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: 2nd/subsq</u>	<u>F-3</u>	<u>5</u>	<u>12</u>
<u>3133 (c)(2)</u>	<u>Sexual extortion- threaten/disseminate image, etc. & demand payment for removal/prevent disclosure</u>	<u>M-1</u>	<u>3</u>	<u>8</u>
<u>3133 (c)(2)</u>	<u>Sexual extortion- threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: victim<18 (E)</u>	<u>F-3</u>	<u>6</u>	<u>13</u>
<u>3133 (c)(2)</u>	<u>Sexual extortion- threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: intellectual disability (E)</u>	<u>F-3</u>	<u>6</u>	<u>13</u>
<u>3133 (c)(2)</u>	<u>Sexual extortion- threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: offender's position (E)</u>	<u>F-3</u>	<u>6</u>	<u>13</u>
<u>3133 (c)(2)</u>	<u>Sexual extortion- threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: course of conduct</u>	<u>F-3</u>	<u>5</u>	<u>11</u>
<u>3133 (c)(2)</u>	<u>Sexual extortion- threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: 2nd/subsq</u>	<u>F-3</u>	<u>5</u>	<u>12</u>
3301 (a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	10	<u>21</u>
3301 (a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	9	<u>19</u>
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause SBI to civilian) (E)	F-1	11	<u>25</u>
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause BI to firefighter, etc.) (E)	F-1	11	<u>25</u>
3301 (a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	10	<u>21</u>
3301 (a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	9	<u>19</u>
3301 (a)(1)(ii)*	Arson endangering persons-inhabited building (cause SBI to civilian) (E)	F-1	11	<u>25</u>
3301 (a)(1)(ii)*	Arson endangering persons-inhabited building (cause BI to firefighter, etc.) (E)	F-1	11	<u>25</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3301 (a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	15	H1 (A)
3301 (a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	15	H2 (A)
3301 (a.1)(1)(i)*	Aggravated arson-attempt BI to civilian	F-1	10	21
3301 (a.1)(1)(i)*	Aggravated arson-cause BI to civilian	F-1	11	25
3301 (a.1)(1)(i)*	Aggravated arson-attempt SBI to civilian	F-1	11	24
3301 (a.1)(1)(i)*	Aggravated arson-cause SBI to civilian (E)	F-1	12	26
3301 (a.1)(1)(i)*	Aggravated arson-attempt BI to firefighter, etc.	F-1	11	24
3301 (a.1)(1)(i)*	Aggravated arson-cause BI to firefighter, etc. (E)	F-1	12	26
3301 (a.1)(1)(ii)	Aggravated arson-other felony arson (when person present inside property)	F-1	10	21
3301 (a.1)(2)	Aggravated arson-fire/explosion causes death of any person	Murder of 2nd Degree	15	H2 (A)
3301 (a.2)(1)	Arson of historic resource-w/ intent (fire/explosion)	F-2	7	15
3301 (a.2)(2)	Arson of historic resource-aids/pays (fire/explosion)	F-2	7	15
3301 (c)(1)	Arson endangering property-intent to destroy unoccupied bldg	F-2	6	12
3301 (c)(2)	Arson endangering property-endangers inhabited building	F-2	6	12
3301 (c)(3)	Arson endangering property-intent to collect insurance	F-2	6	12
3301 (d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg)	F-3	5	9
3301 (d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	5	9
3301 (e)(1)	Arson-failure to control/report (duty)	M-1	3	8
3301 (e)(2)	Arson-failure to control/report (own property)	M-1	3	8
3301 (f)	Arson-possess explosive material (intent to use)	F-3	5	9
3301 (g)	Arson-failure to disclose true owner	M-3	1	2
3302 (a)	Catastrophe-causing (intentionally)	F-1	10	21
3302 (a)	Catastrophe-causing (recklessly)	F-2	6	12
3302 (b)	Catastrophe-risking	F-3	4	10
3303 (1)	Failure to prevent catastrophe-duty	M-2	2	7
3303 (2)	Failure to prevent catastrophe-acted or assented to	M-2	2	6
3304 (a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000)	F-3	5	9
3304 (a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000)	M-2	2	6
3304 (a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$500)	M-3	1	2
3304 (a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	5	9
3304 (a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	2	6
3304 (a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	1	2
3304 (a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	5	9
3304 (a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	2	6
3304 (a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	1	2
3304 (a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	5	9
3304 (a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	2	6
3304 (a)(4)	Criminal mischief-graffiti (>\$150)	M-3	1	2
3304 (a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	5	9

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3304 (a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	2	<u>5</u>
3304 (a)(5)	Criminal mischief-damage property (>\$500)	M-3	1	<u>2</u>
3304 (a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	5	<u>9</u>
3304 (a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	2	<u>5</u>
3304 (a)(6)	Criminal mischief-paintball (>\$500)	M-3	1	<u>2</u>
3305	Tampering w/ fire apparatus/hydrants	M-3	1	<u>2</u>
3307 (a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	5	<u>9</u>
3307 (a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	2	<u>7</u>
3307 (a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	5	<u>9</u>
3307 (a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	5	<u>9</u>
3307 (a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	2	<u>7</u>
3307 (a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	2	<u>7</u>
3307 (a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	5	<u>9</u>
3307 (a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	2	<u>6</u>
3307 (a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	5	<u>9</u>
3307 (a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	2	<u>6</u>
3307 (a.1)	Institutional vandalism-possess marking device on property	M-2	2	<u>5</u>
3309 (a)	Agricultural vandalism (>\$5,000)	F-3	5	<u>9</u>
3309 (a)	Agricultural vandalism (>\$1,000)	M-1	3	<u>8</u>
3309 (a)	Agricultural vandalism (>\$500)	M-2	2	<u>5</u>
3309 (a)	Agricultural vandalism (<=\$500)	M-3	1	<u>2</u>
3310 (a)	Agricultural crop destruction	F-2	7	<u>15</u>
3312 (a)(2)	Destruction of survey monument-call boundary into question	M-2	3	<u>8</u>
3313 (a)	Illegal dumping of methamphetamine waste	F-3	5	<u>9</u>
3502 (a)(1)(i)	Burglary-home/person present and bodily injury crime as defined in 18 Pa. C.S. §3502(e) (E)	F-1	10	<u>21</u>
3502 (a)(1)(ii)	Burglary-home/person present	F-1	9	<u>19</u>
3502 (a)(2)	Burglary-home/no person present	F-1	7	<u>15</u>
3502 (a)(3)	Burglary-not a home/person present	F-1	6	<u>13</u>
3502 (a)(4)	Burglary-not a home/no person present	F-2	5	<u>11</u>
3502 (a)(4)	Burglary-not a home/no person present (commit theft of drugs)	F-1	7	<u>15</u>
3503 (a)(1)(i)	Criminal trespass-buildings	F-3	3	<u>9</u>
3503 (a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	4	<u>10</u>
3503 (b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	1	<u>5</u>
3503 (b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	1	<u>5</u>
3503 (b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	1	<u>5</u>
3503 (b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	1	<u>5</u>
3503 (b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	3	<u>7</u>
3503 (b.2) (1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	<u>2</u>
3503 (b.2) (1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	<u>7</u>
3503 (b.3) (1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	<u>2</u>
3503 (b.3) (1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	<u>7</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3503 (b.3) (1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	<u>7</u>
3504 (a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	<u>2</u>
3504 (a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	<u>2</u>
3504 (a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	<u>2</u>
3504 (b)	Railroad protection-stowaways prohibited	M-3	1	<u>2</u>
3505 (a)(3)	Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband	F-2	7	<u>15</u>
3701 (a)(1)(i)	Robbery-inflicts SBI	F-1	12	<u>26</u>
3701 (a)(1)(i)	Robbery-inflicts SBI (drug-related)	F-1	13	<u>28</u>
3701 (a)(1)(ii)	Robbery-threatens SBI	F-1	10	<u>22</u>
3701 (a)(1)(ii)	Robbery-threaten SBI (drug-related)	F-1	11	<u>25</u>
3701 (a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	9	<u>19</u>
3701 (a)(1)(iii)	Robbery-commit/threaten any F1 or F2 (drug-related)	F-1	10	<u>22</u>
3701 (a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	7	<u>17</u>
3701 (a)(1)(iv)	Robbery-inflicts/threatens BI (drug-related)	F-1	8	<u>18</u>
3701 (a)(1)(v)	Robbery-takes property by force	F-3	5	<u>10</u>
3701 (a)(1)(v)	Robbery-takes property by force (drug-related)	F-1	6	<u>13</u>
3701 (a)(1)(vi)	Robbery-demand money from financial institution	F-2	7	<u>17</u>
3702 (a)*	Robbery of motor vehicle-with SBI (E)	F-1	12	<u>27</u>
3702 (a)*	Robbery of motor vehicle-without SBI (E)	F-1	9	<u>20</u>
3921 (a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	8	<u>18</u>
3921 (a)	Theft by unlaw taking-movable property (disaster)	F-2	8	<u>18</u>
3921 (a)	Theft by unlaw taking-movable property (firearm)	F-2	8	<u>18</u>
3921 (a)	Theft by unlaw taking-movable property (=>\$500,000)	F-1	8	<u>18</u>
3921 (a)	Theft by unlaw taking-movable property (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3921 (a)*	Theft by unlaw taking-movable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3921 (a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3921 (a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3921 (a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3921 (a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	2	<u>6</u>
3921 (a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	1	<u>5</u>
3921 (b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	8	<u>18</u>
3921 (b)	Theft by unlaw taking-immovable property (disaster)	F-2	8	<u>18</u>
3921 (b)	Theft by unlaw taking-immovable property (firearm)	F-2	8	<u>18</u>
3921 (b)	Theft by unlaw taking-immovable property (=>\$500,000)	F-1	8	<u>18</u>
3921 (b)	Theft by unlaw taking-immovable property (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3921 (b)*	Theft by unlaw taking-immovable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3921 (b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000)	F-3	5	<u>9</u>

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3921 (b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3921 (b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3921 (b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	2	<u>6</u>
3921 (b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	1	<u>5</u>
3922 (a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	8	18
3922 (a)(1)	Theft by deception-false impression (firearm)	F-2	8	18
3922 (a)(1)	Theft by deception-false impression (=>\$500,000)	F-1	8	18
3922 (a)(1)	Theft by deception-false impression (\$100,000-<\$500,000)	F-2	7	15
3922 (a)(1)*	Theft by deception-false impression (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	12
3922 (a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3922 (a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3922 (a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3922 (a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	2	<u>5</u>
3922 (a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	1	<u>5</u>
3922 (a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	8	18
3922 (a)(2)	Theft by deception-conceal information (firearm)	F-2	8	18
3922 (a)(2)	Theft by deception-conceal information (=>\$500,000)	F-1	8	18
3922 (a)(2)	Theft by deception-conceal information (\$100,000-<\$500,000)	F-2	7	15
3922 (a)(2)*	Theft by deception-conceal information (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	12
3922 (a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3922 (a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3922 (a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3922 (a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3922 (a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	1	<u>5</u>
3922 (a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	8	18
3922 (a)(3)	Theft by deception-fail to correct (firearm)	F-2	8	18
3922 (a)(3)	Theft by deception-fail to correct (=>\$500,000)	F-1	8	18
3922 (a)(3)	Theft by deception-fail to correct (\$100,000-<\$500,000)	F-2	7	15
3922 (a)(3)*	Theft by deception-fail to correct (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	12
3922 (a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3922 (a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3922 (a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3922 (a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3922 (a)(3)	Theft by deception-fail to correct (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	8	18
3923 (a)(1)	Theft by extortion-commit crime (firearm)	F-2	8	18
3923 (a)(1)	Theft by extortion-commit crime (=>\$500,000)	F-1	8	18

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3923 (a)(1)	Theft by extortion-commit crime (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(1)*	Theft by extortion-commit crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(1)	Theft by extortion-commit crime (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	8	<u>18</u>
3923 (a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	8	<u>18</u>
3923 (a)(2)	Theft by extortion-accuse of crime (=>\$500,000)	F-1	8	<u>18</u>
3923 (a)(2)	Theft by extortion-accuse of crime (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(2)*	Theft by extortion-accuse of crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(2)	Theft by extortion-accuse of crime (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	8	<u>18</u>
3923 (a)(3)	Theft by extortion-expose secret (firearm)	F-2	8	<u>18</u>
3923 (a)(3)	Theft by extortion-expose secret (=>\$500,000)	F-1	8	<u>18</u>
3923 (a)(3)	Theft by extortion-expose secret (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(3)*	Theft by extortion-expose secret (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	8	<u>18</u>
3923 (a)(4)	Theft by extortion-official action (firearm)	F-2	8	<u>18</u>
3923 (a)(4)	Theft by extortion-official action (=>\$500,000)	F-1	8	<u>18</u>
3923 (a)(4)	Theft by extortion-official action (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(4)*	Theft by extortion-official action (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	8	<u>18</u>
3923 (a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	8	<u>18</u>
3923 (a)(5)	Theft by extortion-strike/boycott (=>\$500,000)	F-1	8	<u>18</u>

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3923 (a)(5)	Theft by extortion-strike/boycott (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(5)*	Theft by extortion-strike/boycott (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	8	<u>18</u>
3923 (a)(6)	Theft by extortion-testimony (firearm)	F-2	8	<u>18</u>
3923 (a)(6)	Theft by extortion-testimony (=>\$500,000)	F-1	8	<u>18</u>
3923 (a)(6)	Theft by extortion-testimony (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(6)*	Theft by extortion-testimony (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	1	<u>5</u>
3923 (a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	8	<u>18</u>
3923 (a)(7)	Theft by extortion-inflict harm (firearm)	F-2	8	<u>18</u>
3923 (a)(7)	Theft by extortion-inflict harm (=>\$500,000)	F-1	8	<u>18</u>
3923 (a)(7)	Theft by extortion-inflict harm (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3923 (a)(7)*	Theft by extortion-inflict harm (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3923 (a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3923 (a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	4	<u>7</u>
3923 (a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	4	<u>7</u>
3923 (a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3923 (a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	1	<u>5</u>
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	8	<u>18</u>
3924	Theft of property-lost/mislaid (firearm)	F-2	8	<u>18</u>
3924	Theft of property-lost/mislaid (=>\$500,000)	F-1	8	<u>18</u>
3924	Theft of property-lost/mislaid (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3924*	Theft of property-lost/mislaid (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3924	Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3924	Theft of property-lost/mislaid (<\$50/no threat)	M-3	1	<u>5</u>
3925 (a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	8	<u>18</u>
3925 (a)	Theft by receiving stolen property (disaster)	F-2	8	<u>18</u>
3925 (a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	9	<u>19</u>

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3925 (a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	8	<u>18</u>
3925 (a)	Theft of receiving stolen property (=>\$500,000)	F-1	8	<u>18</u>
3925 (a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3925 (a)*	Theft of receiving stolen property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3925 (a)*	Theft by receiving stolen property (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3925 (a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3925 (a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3925 (a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3925 (a)	Theft by receiving stolen property (<\$50/no threat)	M-3	1	<u>5</u>
3926 (a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	8	<u>18</u>
3926 (a)(1)	Theft of services-obtain service (firearm)	F-2	8	<u>18</u>
3926 (a)(1)	Theft of services-obtain service (=>\$500,000)	F-1	8	<u>18</u>
3926 (a)(1)	Theft of services-obtain service (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3926 (a)(1)*	Theft of services-obtain service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3926 (a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3926 (a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3926 (a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3926 (a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3926 (a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	1	<u>5</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	8	<u>18</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	8	<u>18</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (=>\$500,000)	F-1	8	<u>18</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3926 (a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3926 (a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3926 (a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	<u>5</u>
3926 (b)	Theft of services-divert service (anhydrous ammonia)	F-2	8	<u>18</u>
3926 (b)	Theft of services-divert service (firearm)	F-2	8	<u>18</u>
3926 (b)	Theft of services-divert service (=>\$500,000)	F-1	8	<u>18</u>
3926 (b)	Theft of services-divert service (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3926 (b)*	Theft of services-divert service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3926 (b)*	Theft of services-divert service (>\$2,000-\$25,000)	F-3	5	<u>9</u>

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3926 (b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3926 (b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3926 (b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3926 (b)	Theft of services-divert service (<\$50/no threat)	M-3	1	<u>5</u>
3926 (e)	Theft of services-transfer device/plan	M-3	1	<u>5</u>
3927 (a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	8	<u>18</u>
3927 (a)	Theft by failure-req. disposition funds (firearm)	F-2	8	<u>18</u>
3927 (a)	Theft by failure-req. disposition funds (=>\$500,000)	F-1	8	<u>18</u>
3927 (a)	Theft by failure-req. disposition funds (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3927 (a)*	Theft by failure-req. disposition funds (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3927 (a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3927 (a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3927 (a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3927 (a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3927 (a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	1	<u>5</u>
3928 (a)	Unauthorized use of auto	M-2	2	<u>5</u>
3928 (a)	Unauthorized use of auto (disaster)	F-2	8	<u>18</u>
3929 (a)(1)	Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle)	F-3	5	<u>9</u>
3929 (a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	2	<u>7</u>
3929 (a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	2	<u>5</u>
3929 (a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	3	<u>9</u>
3929 (a)(1)	Retail theft-take merchandise (disaster)	F-2	8	<u>18</u>
3929 (a)(2)	Retail theft-alter price (>\$1,000/or firearm/motor vehicle)	F-3	5	<u>9</u>
3929 (a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	2	<u>5</u>
3929 (a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	2	<u>5</u>
3929 (a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	3	<u>7</u>
3929 (a)(2)	Retail theft-alter price (disaster)	F-2	8	<u>18</u>
3929 (a)(3)	Retail theft-transfer container (>\$1,000/or firearm/motor vehicle)	F-3	5	<u>9</u>
3929 (a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	2	<u>5</u>
3929 (a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	2	<u>5</u>
3929 (a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	3	<u>7</u>
3929 (a)(3)	Retail theft-transfer container (disaster)	F-2	8	<u>18</u>
3929 (a)(4)	Retail theft-under-rings (>\$1,000/or firearm/motor vehicle)	F-3	5	<u>9</u>
3929 (a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	2	<u>5</u>
3929 (a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	2	<u>5</u>
3929 (a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	3	<u>7</u>
3929 (a)(4)	Retail theft-under-rings (disaster)	F-2	8	<u>18</u>
3929 (a)(5)	Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle)	F-3	5	<u>9</u>
3929 (a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	2	<u>5</u>
3929 (a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	2	<u>5</u>
3929 (a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	3	<u>7</u>

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3929 (a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	8	<u>18</u>
3929.1 (a)	Library Theft (1st/2nd off & >=\$150)	M-1	3	<u>7</u>
3929.1 (a)	Library Theft (2nd off& <\$150)	M-2	2	<u>5</u>
3929.1 (a)	Library Theft (3rd/Subsq off)	F-3	5	<u>9</u>
3929.2 (a)	Unlawful possession-retail/library theft instruments	M-1	3	<u>7</u>
3929.3 (a)	Organized retail theft (>=\$20,000)	F-2	7	<u>15</u>
3929.3 (a)	Organized retail theft (\$5,000-\$19,999)	F-3	6	<u>12</u>
3930 (a)(1)	Theft of trade secrets-by force	F-2	7	<u>15</u>
3930 (a)(2)	Theft of trade secrets-willful entry of building	F-2	7	<u>15</u>
3930 (a)(3)	Theft of trade secrets-willful access of computer	F-2	7	<u>15</u>
3930 (b)(1)	Theft of trade secrets-unlawful possession	F-3	5	<u>9</u>
3930 (b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	5	<u>9</u>
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	5	<u>9</u>
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	3	<u>7</u>
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	1	<u>5</u>
3932 (a)	Theft of leased property (anhydrous ammonia)	F-2	8	<u>18</u>
3932 (a)	Theft of leased property (firearm)	F-2	8	<u>18</u>
3932 (a)	Theft of leased property (=>\$500,000)	F-1	8	<u>18</u>
3932 (a)	Theft of leased property (\$100,000-<\$500,000)	F-2	7	<u>15</u>
3932 (a)*	Theft of leased property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	<u>12</u>
3932 (a)*	Theft of leased property (>\$2,000-\$25,000)	F-3	5	<u>9</u>
3932 (a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	3	<u>7</u>
3932 (a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	3	<u>5</u>
3932 (a)	Theft of leased property (\$50-<\$200/no threat)	M-2	2	<u>5</u>
3932 (a)	Theft of leased property (<\$50/no threat)	M-3	1	<u>5</u>
3934 (a)	Theft from a motor vehicle (3rd/subsq w/in 5 yrs)	F-3	6	<u>13</u>
3934 (a)	Theft from a motor vehicle (>\$200)	M-1	3	<u>7</u>
3934 (a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	2	<u>5</u>
3934 (a)	Theft from a motor vehicle (<\$50)	M-3	1	<u>5</u>
3935.1 (a)	Theft of secondary metal (<\$50)	M-3	1	<u>5</u>
3935.1 (a)	Theft of secondary metal (\$50-<\$200)	M-2	2	<u>5</u>
3935.1 (a)	Theft of secondary metal (\$200-<\$1,000)	M-1	3	<u>7</u>
3935.1 (a)	Theft of secondary metal (\$=>\$1,000)	F-3	5	<u>9</u>
3935.1 (a)	Theft of secondary metal (third/subsq offense)	F-3	5	<u>9</u>
4101 (a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	4	<u>9</u>
4101 (a)(1)	Forgery-altered writing (will//deed/other legal doc)	F-3	3	<u>9</u>
4101 (a)(1)	Forgery-altered writing (other)	M-1	3	<u>7</u>
4101 (a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	4	<u>9</u>
4101 (a)(2)	Forgery-unauthorized writing (will//deed/other legal doc)	F-3	3	<u>9</u>
4101 (a)(2)	Forgery-unauthorized writing (other)	M-1	3	<u>9</u>
4101 (a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	4	<u>9</u>
4101 (a)(3)	Forgery-utter forged writing (will//deed/other legal doc)	F-3	3	<u>9</u>

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4101 (a)(3)	Forgery-utter forged writing (other)	M-1	3	<u>7</u>
4102	Simulating objects of antiquity	M-1	3	<u>7</u>
4103	Fraudulent destruction of recordable instruments	F-3	5	<u>9</u>
4104 (a)	Tampering w/ records or identification	M-1	3	<u>7</u>
4105 (a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	<u>9</u>
4105 (a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	<u>7</u>
4105 (a)(1)	Bad checks--issues/passes check (\$500-<\$1,000)	M-2	2	<u>5</u>
4105 (a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	<u>5</u>
4105 (a)(1)	Bad checks--issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	<u>8</u>
4105 (a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	<u>9</u>
4105 (a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	<u>7</u>
4105 (a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	<u>5</u>
4105 (a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	<u>5</u>
4105 (a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	<u>8</u>
4106 (a)(1)(i)	Access device fraud-altered/counterfeit device (>= \$500)	F-3	5	<u>9</u>
4106 (a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	<u>7</u>
4106 (a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	<u>6</u>
4106 (a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	<u>9</u>
4106 (a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	<u>7</u>
4106 (a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	3	<u>7</u>
4106 (a)(1)(iii)	Access device fraud-device revoked/cancelled (>= \$500)	F-3	5	<u>9</u>
4106 (a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	4	<u>9</u>
4106 (a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	3	<u>7</u>
4106 (a)(1)(iv)	Access device fraud-other (>= \$500)	F-3	5	<u>9</u>
4106 (a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	4	<u>9</u>
4106 (a)(1)(iv)	Access device fraud-other (<\$50)	M-2	3	<u>7</u>
4106 (a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	5	<u>9</u>
4106 (a)(3)	Access device fraud-knowingly possesses illegal device	M-3	2	<u>5</u>
4106.1 (a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	6	<u>12</u>
4106.1 (a)(2)	Unlawful device-making equipment (possesses)	M-1	4	<u>7</u>
4107 (a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	<u>7</u>

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4107 (a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>

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4107 (a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107 (a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	5	<u>8</u>
4107 (a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	3	<u>7</u>
4107 (a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	2	<u>5</u>
4107 (a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs)	F-2	7	<u>15</u>
4107 (a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs)	F-3	5	<u>8</u>
4107 (a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs)	M-1	3	<u>7</u>
4107.1 (a)	Deception relating to kosher food products	M-3	1	<u>2</u>
4107.2 (a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	4	<u>7</u>
4107.2 (a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	<u>7</u>
4107.2 (a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	<u>7</u>
4107.2 (a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	<u>7</u>
4108 (a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	<u>5</u>
4108 (b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	<u>5</u>
4108 (c)	Commercial bribery/breach of duty-solicitation	M-2	2	<u>5</u>

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4109 (a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	<u>7</u>
4109 (a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	<u>7</u>
4109 (b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	<u>7</u>
4109 (c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	<u>7</u>
4110	Defrauding secured creditors	M-2	2	<u>5</u>
4111	Fraud in Insolvency	M-2	2	<u>5</u>
4111 (1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	<u>5</u>
4111 (2)	Fraud in insolvency-falsify writing/record of property	M-2	2	<u>5</u>
4111 (3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	<u>5</u>
4112	Receiving deposits in failing financial institution	M-2	2	<u>5</u>
4113 (a)	Misapplication of entrusted property (>\$50)	M-2	2	<u>5</u>
4113 (a)	Misapplication of entrusted property (<=\$50)	M-3	1	<u>2</u>
4114	Securing execution of documents by deception	M-2	2	<u>5</u>
4115	Falsely impersonating persons privately employed	M-2	2	<u>5</u>
4116 (b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	5	<u>8</u>
4116 (b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	<u>16</u>
4116 (b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	3	<u>7</u>
4116 (b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	5	<u>9</u>
4116 (b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	5	<u>8</u>
4116 (b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	<u>16</u>
4116 (b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	3	<u>7</u>
4116 (b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	5	<u>9</u>
4116 (d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	<u>8</u>
4116 (d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	<u>16</u>
4116 (d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	<u>7</u>
4116 (d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	<u>9</u>
4116 (d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	<u>8</u>
4116 (d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	<u>16</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
4116 (d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	<u>7</u>
4116 (d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	<u>8</u>
4116 (e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	<u>8</u>
4116 (e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	<u>16</u>
4116 (e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	<u>7</u>
4116 (e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	<u>9</u>
4116.1 (a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	<u>7</u>
4116.1 (a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	<u>8</u>
4117 (a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	<u>7</u>
4117 (a)(2)	Insurance fraud-false insurance claim	F-3	4	<u>7</u>
4117 (a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	4	<u>7</u>
4117 (a)(4)	Insurance fraud-unlicensed agent activity	F-3	4	<u>7</u>
4117 (a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	4	<u>7</u>
4117 (a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	4	<u>7</u>
4117 (a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	4	<u>7</u>
4117 (a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	4	<u>7</u>
4117 (b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	3	<u>7</u>
4117 (b)(2)	Insurance fraud-unlawful compensation by provider	M-1	3	<u>7</u>
4117 (b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	3	<u>7</u>
4117 (b)(4)	Insurance fraud-false insurance application	M-1	3	<u>7</u>
4118	Washing vehicle titles	F-3	4	<u>7</u>
4119 (a)(1)	Trademark counterfeiting-mfr.	M-1	3	<u>7</u>
4119 (a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4119 (a)(2)	Trademark counterfeiting-sells	M-1	3	<u>7</u>
4119 (a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4119 (a)(3)	Trademark counterfeiting-offers for sale	M-1	3	<u>7</u>
4119 (a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4119 (a)(4)	Trademark counterfeiting-displays	M-1	3	<u>7</u>
4119 (a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4119 (a)(5)	Trademark counterfeiting-advertises	M-1	3	<u>7</u>

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4119 (a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4119 (a)(6)	Trademark counterfeiting-distributes	M-1	3	<u>7</u>
4119 (a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4119 (a)(7)	Trademark counterfeiting-transport	M-1	3	<u>7</u>
4119 (a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	<u>8</u>
4119 (a)(7)	Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	<u>15</u>
4120 (a)	Identity theft (>=\$2,000)	F-3	5	<u>9</u>
4120 (a)	Identity theft (<\$2,000)	M-1	3	<u>7</u>
4120 (a)	Identity theft (3rd/subsq off)	F-2	7	<u>16</u>
4120 (a)	Identity theft (furtherance of conspiracy)	F-3	5	<u>9</u>
4120 (a)	Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent)	F-2	7	<u>15</u>
4120 (a)	Identity theft (<\$2,000 and victim >=60 yrs/care-dependent)	F-3	5	<u>9</u>
4120 (a)	Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent)	F-1	8	<u>19</u>
4120 (a)	Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent)	F-2	7	<u>15</u>
4120 (a)	Identity theft (<\$2,000 and victim <18 yrs)	F-3	5	<u>9</u>
4120 (a)	Identity theft (>=\$2,000 and victim <18 yrs)	F-2	7	<u>15</u>
4120 (a)	Identity theft (3rd/subsq off and victim <18 yrs)	F-1	8	<u>19</u>
4120 (a)	Identity theft (furtherance of conspiracy and victim <18 yrs)	F-2	7	<u>15</u>
4121 (a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc)	F-3	5	<u>8</u>
4121 (a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc.) (2 nd /subsq offense)	F-2	7	<u>16</u>
4121 (a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information)	F-3	5	<u>8</u>
4121 (a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information) (2 nd /subsq offense)	F-2	7	<u>16</u>
4121 (a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device	F-3	5	<u>8</u>
4121 (a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device (2 nd /subsq offense)	F-2	7	<u>16</u>
4301 (a)	Bigamy (by married person)	M-2	3	<u>5</u>
4301 (b)	Bigamy (knowing other person committing bigamy)	M-2	3	<u>5</u>
4302 (a)	Incest (victim >18 yrs.)	F-2	9	<u>19</u>
4302 (b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	9	<u>20</u>
4302 (b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	9	<u>20</u>
4303 (a)	Concealing death of child	M-1	3	<u>5</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care	M-1	5	<u>7</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care (child <6 yrs)	F-3	6	<u>12</u>

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4304 (a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	<u>12</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs)	F-2	8	<u>19</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI	F-3	6	<u>13</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child < 6 yrs)	F-2	8	<u>19</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct)	F-2	8	<u>19</u>
4304 (a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child < 6 yrs)	F-1	9	<u>19</u>
4304 (a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	5	<u>7</u>
4304 (a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (child <6 yrs)	F-3	6	<u>11</u>
4304 (a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	<u>11</u>
4304 (a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs)	F-2	8	<u>19</u>
4305	Dealing in infant children	M-1	4	<u>7</u>
4701 (a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	5	<u>12</u>
4701 (a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	<u>12</u>
4701 (a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	<u>12</u>
4702 (a)(1)	Threats-to influence decision as public servant	M-2	2	<u>5</u>
4702 (a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	<u>12</u>
4702 (a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	<u>5</u>
4702 (a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	<u>12</u>
4702 (a)(3)	Threats-harm for legal duty as public servant	M-2	2	<u>5</u>
4702 (a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	5	<u>12</u>
4703	Retaliation for past official action	M-2	2	<u>5</u>
4902 (a)	Perjury	F-3	5	<u>9</u>
4903 (a)(1)	False swearing in official matters-in official proceeding	M-2	2	<u>5</u>
4903 (a)(2)	False swearing in official matters-to mislead public servant	M-2	2	<u>5</u>
4903 (b)	False swearing-statement required to be sworn	M-3	1	<u>5</u>
4904 (a)(1)	Unsworn falsification to authorities-written statement	M-2	2	<u>5</u>
4904 (a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	2	<u>5</u>
4904 (a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	2	<u>5</u>
4904 (b)	Unsworn falsification to authorities-statement under penalty	M-3	1	<u>5</u>
4905 (a)	False alarms to agency of public safety	M-1	3	<u>5</u>
4905 (a)	False alarms to agency of public safety (state of emergency)	F-3	5	<u>9</u>
4906 (a)	False reports-falsely incriminate another	M-2	2	<u>5</u>

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4906 (a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	3	<u>5</u>
4906 (a)	False reports-falsely incriminate another (state of emergency)	M-1	3	<u>5</u>
4906 (b)(1)	False reports-fictitious report to law enforcement	M-3	1	<u>5</u>
4906 (b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	2	<u>5</u>
4906 (b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	2	<u>5</u>
4906 (b)(2)	False reports-fictitious report of information	M-3	1	<u>5</u>
4906 (b)(2)	False reports-fictitious report of information (report of theft/loss of firearm)	M-2	2	<u>5</u>
4906 (b)(2)	False Reports-fictitious report of information (state of emergency)	M-2	2	<u>5</u>
4906.1	False reports of child abuse	M-2	2	<u>5</u>
4909	Witness or informant taking bribe	F-3	5	<u>9</u>
4910 (1)	Tampering w/ physical evidence-intent to impair availability	M-2	2	<u>5</u>
4910 (2)	Tampering w/ physical evidence-false record etc.	M-2	2	<u>5</u>
4911 (a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	<u>5</u>
4911 (a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	<u>7</u>
4911 (a)(2)	Tampering w/ public records-presenting false document	M-2	2	<u>5</u>
4911 (a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	<u>7</u>
4911 (a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	<u>5</u>
4911 (a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	<u>7</u>
4912	Impersonating a public servant	M-2	2	<u>5</u>
4913 (a)	Impersonating a notary public	M-2	2	<u>5</u>
4913 (a)	Impersonating a notary public (intent to harm/defraud)	M-1	3	<u>5</u>
4913(a)	Impersonating a doctor of medicine (provides medical advice or treatment)	M-1	3	<u>5</u>
4914 (a)	False identification to law enforcement authorities	M-3	1	<u>5</u>
4915.1 (a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	6	<u>12</u>
4915.1 (a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	8	<u>18</u>
4915.1 (a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	8	<u>18</u>
4915.1 (a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	8	<u>18</u>
4915.1 (a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	6	<u>12</u>
4915.1 (a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off)	F-2	8	<u>19</u>
4915.1 (a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	8	<u>18</u>
4915.1 (a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	8	<u>18</u>
4915.1 (a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a)(3)	Fail to provide accurate information-15 yr. registration	F-2	8	<u>18</u>
4915.1 (a)(3)	Fail to provide accurate information-25 yr. registration	F-1	10	<u>21</u>

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4915.1 (a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	<u>21</u>
4915.1 (a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	6	<u>12</u>
4915.1 (a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	8	<u>19</u>
4915.1 (a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	8	<u>18</u>
4915.1 (a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	<u>18</u>
4915.1 (a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	<u>12</u>
4915.1 (a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	<u>19</u>
4915.1 (a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	<u>18</u>
4915.1 (a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (1st off)	F-2	8	<u>18</u>
4915.1 (a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.1 (a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	8	<u>18</u>
4915.1 (a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	10	<u>21</u>
4915.1 (a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	10	<u>21</u>
4915.1 (a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	5	<u>9</u>
4915.1 (a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	5	<u>9</u>
4915.2(a)(1)	Fail to register - 10 year registration	F-3	6	<u>12</u>
4915.2(a)(1)	Fail to register - 10 year registration (2nd/subsq off)	F-2	8	<u>18</u>
4915.2(a)(1)	Fail to register - lifetime registration	F-2	8	<u>18</u>
4915.2(a)(1)	Fail to register - lifetime registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.2(a)(2)	Fail to verify address/be photographed - 10 year registration	F-3	6	<u>12</u>
4915.2(a)(2)	Fail to verify address/be photographed - 10 year registration (2nd/subsq off)	F-2	8	<u>19</u>
4915.2(a)(2)	Fail to verify address/be photographed - lifetime registration	F-2	8	<u>18</u>
4915.2(a)(2)	Fail to verify address/be photographed - lifetime registration (2nd/subsq off)	F-1	10	<u>22</u>
4915.2(a)(3)	Fail to provide accurate information - 10 year registration	F-2	8	<u>18</u>
4915.2(a)(3)	Fail to provide accurate information - lifetime registration	F-1	10	<u>21</u>
4915.2(a.1)(1)	Fail to comply with SVP counseling requirements	M-1	5	<u>9</u>
4915.2(a.1)(2)	Fail to comply with SVP counseling requirements (another jurisdiction)	M-1	5	<u>9</u>
4952 (a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	11	<u>24</u>
4952 (a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	9	<u>19</u>
4952 (a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	7	<u>15</u>
4952 (a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	<u>7</u>

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4952 (a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	<u>24</u>
4952 (a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	<u>19</u>
4952 (a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	<u>15</u>
4952 (a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	<u>7</u>
4952 (a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	<u>24</u>
4952 (a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	<u>19</u>
4952 (a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	<u>15</u>
4952 (a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	<u>7</u>
4952 (a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	<u>24</u>
4952 (a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	<u>19</u>
4952 (a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	<u>15</u>
4952 (a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	<u>7</u>
4952 (a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	<u>24</u>
4952 (a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	<u>19</u>
4952 (a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	<u>15</u>
4952 (a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	<u>7</u>
4952 (a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	11	<u>24</u>
4952 (a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	9	<u>19</u>
4952 (a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	7	<u>15</u>
4952 (a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	5	<u>7</u>
4953 (a)	Retaliation against witness/victim-listed factor	F-3	8	<u>18</u>
4953 (a)	Retaliation against witness/victim-general	M-2	5	<u>7</u>
4953.1 (a)	Retaliation against prosecutor/judicial official-listed factor	F-2	9	<u>19</u>
4953.1 (a)	Retaliation against prosecutor/judicial official-general	M-1	6	<u>12</u>
4958 (a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc.	M-2	5	<u>7</u>
4958 (a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)	F-2	7	<u>15</u>
4958 (a)(1)	Intimidation child abuse case- knowledge/intent to impede, etc. (benefit)	F-2	7	<u>15</u>
4958 (a)(1)	Intimidation child abuse case- knowledge/intent to impede, etc. (furtherance consp)	F-2	7	<u>15</u>
4958 (a)(1)	Intimidation child abuse case- knowledge/intent to impede, etc. (other person)	F-2	7	<u>15</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
4958 (a)(1)	Intimidation child abuse case- knowledge/intent to impede, etc. (prior conv)	F-2	7	<u>15</u>
4958 (a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report	M-2	5	<u>7</u>
4958 (a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)	F-2	7	<u>15</u>
4958 (a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)	F-2	7	<u>15</u>
4958 (a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp)	F-2	7	<u>15</u>
4958 (a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)	F-2	7	<u>15</u>
4958 (a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)	F-2	7	<u>15</u>
4958 (a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information	M-2	5	<u>7</u>
4958 (a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)	F-2	7	<u>15</u>
4958 (a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (benefit)	F-2	7	<u>15</u>
4958 (a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp)	F-2	7	<u>15</u>
4958 (a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (other person)	F-2	7	<u>15</u>
4958 (a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (prior conv)	F-2	7	<u>15</u>
4958 (a)(2)(iii)	Intimidation child abuse cases- intimidate/attempt false/misleading information	M-2	5	<u>7</u>
4958 (a)(2)(iii)	Intimidation child abuse cases- intimidate/attempt false/misleading information (force, etc.)	F-2	7	<u>15</u>
4958 (a)(2)(iii)	Intimidation child abuse cases- intimidate/attempt false/misleading information (benefit)	F-2	7	<u>15</u>
4958 (a)(2)(iii)	Intimidation child abuse cases- intimidate/attempt false/misleading information (furtherance consp)	F-2	7	<u>15</u>
4958 (a)(2)(iii)	Intimidation child abuse cases- intimidate/attempt false/misleading information (other person)	F-2	7	<u>15</u>
4958 (a)(2)(iii)	Intimidation child abuse cases- intimidate/attempt false/misleading information (prior conv)	F-2	7	<u>15</u>
4958 (a)(2)(iv)	Intimidation child abuse cases- intimidate/attempt evade etc. request/legal process	M-2	5	<u>7</u>
4958 (a)(2)(iv)	Intimidation child abuse cases- intimidate/attempt evade etc. request/legal process (force)	F-2	7	<u>15</u>
4958 (a)(2)(iv)	Intimidation child abuse cases- intimidate/attempt evade etc. request/legal process (benefit)	F-2	7	<u>15</u>
4958 (a)(2)(iv)	Intimidation child abuse cases- intimidate/attempt evade etc. request/legal process (furtherance consp)	F-2	7	<u>15</u>
4958 (a)(2)(iv)	Intimidation child abuse cases- intimidate/attempt evade etc. request/legal process (other person)	F-2	7	<u>15</u>
4958 (a)(2)(iv)	Intimidation child abuse cases- intimidate/attempt evade etc. request/legal process (prior conv)	F-2	7	<u>15</u>
4958 (a)(2)(v)	Intimidation child abuse cases- intimidate/attempt fail appear/participate legal process	M-2	5	<u>7</u>

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4958 (a)(2)(v)	Intimidation child abuse cases- intimidate/attempt fail appear/participate legal process (force)	F-2	7	<u>15</u>
4958 (a)(2)(v)	Intimidation child abuse cases- intimidate/attempt fail appear/participate legal process (benefit)	F-2	7	<u>15</u>
4958 (a)(2)(v)	Intimidation child abuse cases- intimidate/attempt fail appear/participate legal process (furtherance consp)	F-2	7	<u>15</u>
4958 (a)(2)(v)	Intimidation child abuse cases- intimidate/attempt fail appear/participate legal process (other person)	F-2	7	<u>15</u>
4958 (a)(2)(v)	Intimidation child abuse cases- intimidate/attempt fail appear/participate legal process (prior conv)	F-2	7	<u>15</u>
4958 (b)	Retaliation child abuse cases	M-2	5	<u>7</u>
4958 (b)	Retaliation child abuse cases (force)	F-2	8	<u>18</u>
4958 (b)	Retaliation child abuse cases (benefit)	F-2	8	<u>18</u>
4958 (b)	Retaliation child abuse cases (furtherance consp)	F-2	8	<u>18</u>
4958 (b)	Retaliation child abuse cases (other person)	F-2	8	<u>18</u>
4958 (b)	Retaliation child abuse cases (prior conv)	F-2	8	<u>18</u>
4958 (b.1)	Obstruction child abuse cases	M-2	5	<u>7</u>
4958 (b.1)	Obstruction child abuse cases (force)	F-2	7	<u>15</u>
4958 (b.1)	Obstruction child abuse cases (benefit)	F-2	7	<u>15</u>
4958 (b.1)	Obstruction child abuse cases (furtherance consp)	F-2	7	<u>15</u>
4958 (b.1)	Obstruction child abuse cases (other person)	F-2	7	<u>15</u>
4958 (b.1)	Obstruction child abuse cases (prior conv)	F-2	7	<u>15</u>
5101	Obstructing admin. of law/other govt. function	M-2	3	<u>5</u>
5102 (a)	Obstructing/impeding justice by picketing	M-2	2	<u>5</u>
5103	Unlawfully listening into deliberations of jury	M-3	1	<u>2</u>
5103.1	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area	M-2	2	<u>5</u>
5103.1	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2 nd /subsq)	M-1	3	<u>7</u>
5104	Resisting arrest, etc.	M-2	2	<u>5</u>
5104.1 (a)	Disarming law enforcement officer	F-3	5	<u>9</u>
5105 (a)(1)	Hindering apprehension-harbors/conceals	M-2	2	<u>5</u>
5105 (a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	4	<u>7</u>
5105 (a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	2	<u>5</u>
5105 (a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	4	<u>7</u>
5105 (a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	2	<u>5</u>
5105 (a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	4	<u>7</u>
5105 (a)(4)	Hindering apprehension-warn of apprehension	M-2	2	<u>5</u>
5105 (a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	4	<u>7</u>
5105 (a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	2	<u>5</u>
5105 (a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2)	F-3	4	<u>7</u>
5107 (a)	Aiding consummation of crime	M-2	2	<u>5</u>
5107 (a)	Aiding consummation of crime (principal off is F1/F2)	F-3	5	<u>9</u>
5108 (a)	Compounding	M-2	2	<u>5</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5109	Barratry-vex with unjust/vexatious suits	M-3	1	<u>2</u>
5110	Contempt of General Assembly	M-3	1	<u>2</u>
5111 (a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	8	<u>18</u>
5111 (a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	8	<u>18</u>
5111 (a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	8	<u>18</u>
5112 (a)	Obstructing emergency services	M-3	1	<u>2</u>
5121 (a)	Permitting/facilitating escape	M-2	3	<u>6</u>
5121 (a)	Escape	M-2	3	<u>6</u>
5121 (a)*	Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	<u>10</u>
5121 (a)*	Escape (all other specified escapes)	F-3	6	<u>12</u>
5121 (a)*	Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	<u>10</u>
5121 (a)*	Permitting/facilitating escape (all other specified escapes)	F-3	6	<u>12</u>
5122 (a)(1)	Weapons/implements for escape-provide to inmate	M-1	8	<u>18</u>
5122 (a)(2)	Weapons/implements for escape-possession by inmate	M-1	4	<u>10</u>
5123 (a)	Contraband-provide controlled substance to inmate	F-2	7	<u>15</u>
5123 (a.2)	Contraband-possession of controlled substance by inmate	F-2	7	<u>15</u>
5123 (b)	Contraband-provide money to inmate	M-3	1	<u>2</u>
5123 (c)	Contraband-provide other contraband to inmate	M-1	3	<u>8</u>
5123 (c.1)	Contraband-provide telecom. device to inmate	M-1	5	<u>9</u>
5123 (c.2)	Contraband-possession of telecom. device by inmate	M-1	3	<u>8</u>
5124 (a)	Default in required appearance (felony)	F-3	4	<u>9</u>
5124 (a)	Default in required appearance (non-felony)	M-2	2	<u>5</u>
5125	Absconding witness	M-3	1	<u>2</u>
5126 (a)	Flight to avoid apprehension (felony)	F-3	5	<u>9</u>
5126 (a)	Flight to avoid apprehension (misd.)	M-2	2	<u>5</u>
5131 (a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs)	M-2	2	<u>5</u>
5131 (a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs)	M-1	3	<u>9</u>
5131 (a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs)	M-1	3	<u>9</u>
5131 (a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs)	F-3	5	<u>10</u>
5131 (a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs)	F-3	5	<u>10</u>
5131 (a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs)	F-2	7	<u>15</u>
5301 (1)	Official oppression-subjects another to arrest, etc.	M-2	2	<u>5</u>
5301 (2)	Official oppression-denies another enjoyment of rights	M-2	2	<u>5</u>
5302 (1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	2	<u>5</u>
5302 (2)	Speculating/wagering on official action-speculates on information	M-2	2	<u>5</u>
5302 (3)	Speculating/wagering on official action-aids another	M-2	2	<u>5</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5501 (1)	Riot-intent to commit felony/misd.	F-3	4	<u>9</u>
5501 (2)	Riot-intent to prevent/coerce official action	F-3	4	<u>9</u>
5501 (3)	Riot-actor/other plans to use deadly weapon	F-3	4	<u>9</u>
5502	Failure to disperse upon official order	M-2	2	<u>5</u>
5503 (a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	1	<u>5</u>
5503 (a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	1	<u>5</u>
5503 (a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	1	<u>5</u>
5503 (a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	1	<u>5</u>
5506	Loitering and prowling at night time	M-3	1	<u>5</u>
5507 (a)	Obstructing highway, etc.-after warning	M-3	1	<u>2</u>
5508	Disrupting meetings and processions	M-3	1	<u>2</u>
5509 (a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	2	<u>5</u>
5509 (a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	2	<u>5</u>
5509 (a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	2	<u>5</u>
5509 (a.1)	Desecration of venerated objects-historic burial lots	M-1	3	<u>6</u>
5510	Abuse of corpse	M-2	3	<u>7</u>
5532 (a)(1)*	Neglect of animal-fails to provide sustenance/water (cause BI/risk SBI)	M-3	1	<u>2</u>
5532 (a)(1)*	Neglect of animal-violates 5536 tethering an unattended dog (cause BI/risk SBI)	M-3	1	<u>2</u>
5532 (a)(2)	Neglect of animal-fails to provide shelter (cause BI/risk SBI)	M-3	1	<u>2</u>
5532 (a)(3)	Neglect of animal -fails to provide veterinary care (cause BI/risk SBI)	M-3	1	<u>2</u>
5533 (a)*	Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI)	M-2	2	<u>6</u>
5533 (a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI)	M-2	2	<u>6</u>
5533 (a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI)	M-2	2	<u>6</u>
5533 (a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI)	M-2	2	<u>6</u>
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI)	M-2	2	<u>6</u>
5533 (a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI)	M-2	2	<u>6</u>
5534 (a)(1)	Aggravated cruelty to animal-tortures animal	F-3	5	<u>10</u>
5534 (a)(2)*	Aggravated cruelty to animal-violates 5532 (cause SBI/death)	F-3	6	<u>12</u>
5534 (a)(2)*	Aggravated cruelty to animal-violates 5533 (cause SBI/death)	F-3	6	<u>12</u>
5535 (a)	Attack of service, guide, or support dog	M-3	1	<u>2</u>
5539	Transporting equine animals in cruel manner (2 nd /subsq)	M-3	1	<u>2</u>
5543 (1)	Animal fighting (for amusement/gain)	F-3	5	<u>10</u>
5543 (2)	Animal fighting (receives compensation)	F-3	5	<u>10</u>
5543 (3)	Animal fighting (owns fighting animal)	F-3	5	<u>10</u>
5543 (4)	Animal fighting (encourage/aid/assist)	F-3	5	<u>10</u>
5543 (5)	Animal fighting (wagers on fight outcome)	F-3	5	<u>10</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5543 (6)	Animal fighting (pays admission)	F-3	5	<u>10</u>
5543 (7)	Animal fighting (permits use of animal for fight)	F-3	5	<u>10</u>
5544	Possession of animal fighting paraphernalia	M-3	1	<u>2</u>
5548 (a)	Police animals-illegal to taunt	F-3	5	<u>10</u>
5548 (b)	Police animals-illegal to torture	F-2	7	<u>15</u>
5549 (a)	Assault with biological agent on animal/fowl/honey bees	F-2	7	<u>15</u>
5512 (b)(1)	Lotteries-set up unlawful game	M-1	3	<u>6</u>
5512 (b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	<u>6</u>
5512 (b)(3)	Lotteries-publish advertisement	M-1	3	<u>6</u>
5513 (a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	<u>7</u>
5513 (a)(2)	Gambling devices-allows assemble for gambling	M-1	3	<u>7</u>
5513 (a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	<u>7</u>
5513 (a)(4)	Gambling devices-allows gambling on premises	M-1	3	<u>7</u>
5513 (a.1)(1)	Gambling devices-electronic video monitor: indirect or direct consideration	M-1	3	<u>7</u>
5513 (a.1)(2)	Gambling devices-electronic video monitor: player eligible for prize	M-1	3	<u>7</u>
5514 (1)	Pool selling and bookmaking-engage in	M-1	3	<u>7</u>
5514 (2)	Pool selling and bookmaking-occupy place	M-1	3	<u>7</u>
5514 (3)	Pool selling and bookmaking-receives bet on political outcome	M-1	3	<u>7</u>
5514 (4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	3	<u>7</u>
5514 (5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	3	<u>7</u>
5515 (b)(1)	Prohibiting of paramilitary training-teaching	M-1	3	<u>7</u>
5515 (b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	3	<u>7</u>
5516 (a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	5	<u>10</u>
5516 (a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency	F-3	5	<u>10</u>
5516 (a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	5	<u>10</u>
5516 (a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	5	<u>10</u>
5517 (a)	Unauthorized school bus entry	M-3	1	<u>2</u>
5703	Interception of wire/oral communication	F-3	5	<u>9</u>
5703 (1)	Interception of wire/oral communication-intentionally intercepts	F-3	5	<u>9</u>
5703 (2)	Interception of wire/oral communication-discloses contents	F-3	5	<u>9</u>
5703 (3)	Interception of wire/oral communication-use contents	F-3	5	<u>9</u>
5705 (1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	5	<u>9</u>
5705 (2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	5	<u>9</u>
5705 (3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	5	<u>9</u>
5705 (4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	5	<u>9</u>
5719	Unlawful use of order concerning intercepted communications	M-2	2	<u>5</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5741 (a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	1	<u>2</u>
5741 (a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	2	<u>5</u>
5741 (a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	1	<u>2</u>
5741 (a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	2	<u>5</u>
5771 (a)	Prohibit pen register & trap/trace device	M-3	1	<u>2</u>
5901	Open lewdness	M-3	1	<u>2</u>
5902 (a)(1)	Prostitution-business (1st/2nd off)	M-3	1	<u>2</u>
5902 (a)(1)	Prostitution-business (3rd off)	M-2	3	<u>6</u>
5902 (a)(1)	Prostitution-business (4th/subsq off)	M-1	4	<u>8</u>
5902 (a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	7	<u>15</u>
5902 (a)(2)	Prostitution (1st/2nd off)	M-3	1	<u>2</u>
5902 (a)(2)	Prostitution (3rd off)	M-2	3	<u>6</u>
5902 (a)(2)	Prostitution (4th/subsq off)	M-1	4	<u>8</u>
5902 (a)(2)	Prostitution (HIV positive/AIDS)	F-3	7	<u>15</u>
5902 (b)(1)	Promoting prostitution-own house/business	F-3	5	<u>10</u>
5902 (b)(2)	Promoting prostitution-procure prostitute for house	F-3	5	<u>10</u>
5902 (b)(3)	Promoting prostitution-encourage prostitution	F-3	5	<u>10</u>
5902 (b)(4)	Promoting prostitution-solicit patron	M-2	3	<u>6</u>
5902 (b)(4)	Promoting prostitution-solicit patron (compel)	F-3	5	<u>10</u>
5902 (b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	5	<u>10</u>
5902 (b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	5	<u>10</u>
5902 (b)(5)	Promoting prostitution-procure prostitute	M-2	3	<u>6</u>
5902 (b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	5	<u>10</u>
5902 (b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	5	<u>10</u>
5902 (b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	5	<u>10</u>
5902 (b)(6)	Promoting prostitution-transport prostitute	M-2	3	<u>6</u>
5902 (b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	5	<u>10</u>
5902 (b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	5	<u>10</u>
5902 (b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	5	<u>10</u>
5902 (b)(7)	Promoting prostitution-provide place for prostitution	M-2	3	<u>6</u>
5902 (b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	5	<u>10</u>
5902 (b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	5	<u>10</u>
5902 (b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	5	<u>10</u>
5902 (b)(8)	Promoting prostitution-receive benefit	M-2	3	<u>6</u>
5902 (b)(8)	Promoting prostitution-receive benefit (compel)	F-3	5	<u>10</u>
5902 (b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	5	<u>10</u>
5902 (b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	5	<u>10</u>
5902 (b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(1)*	Promoting prostitution of minor-business (<16 yrs)	F-3	8	<u>19</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5902 (b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs)	F-3	8	<u>19</u>
5902 (b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs)	F-3	8	<u>19</u>
5902 (b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs)	F-3	8	<u>19</u>
5902 (b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs)	F-3	8	<u>19</u>
5902 (b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs)	F-3	8	<u>19</u>
5902 (b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs)	F-3	8	<u>19</u>
5902 (b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs)	F-3	6	<u>14</u>
5902 (b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs)	F-3	8	<u>19</u>
5902 (d)	Living off prostitutes	M-2	3	<u>6</u>
5902 (d)	Living off prostitutes (compel)	F-3	5	<u>10</u>
5902 (d)	Living off prostitutes (HIV positive/AIDS)	F-3	5	<u>10</u>
5902 (d)	Living off prostitutes (spouse/child/ward)	F-3	5	<u>10</u>
5902 (e)	Patronizing prostitutes (1st/2nd off)	M-3	1	<u>2</u>
5902 (e)	Patronizing prostitutes (3rd off)	M-2	3	<u>6</u>
5902 (e)	Patronizing prostitutes (4th/subsq off)	M-1	4	<u>8</u>
5902 (e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	7	<u>15</u>
5903 (a)(1)	Obscene materials-display (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a.1)	Obscene materials-disseminate via elec. comm. (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a.1)	Obscene materials-disseminate via elec. comm. att. evade prosec. (1st) (additional penalty)	M-1	3	<u>8</u>
5903 (a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty)	M-1	3	<u>9</u>
5903 (a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	4	<u>10</u>
5903 (a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	6	<u>14</u>
5903 (a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	4	<u>10</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5903 (a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	6	<u>14</u>
5903 (a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	4	<u>10</u>
5903 (a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	6	<u>14</u>
5903 (a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	4	<u>10</u>
5903 (a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	6	<u>14</u>
5903 (a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(7)	Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	3	<u>7</u>
5903 (a)(9)	Obscene materials-permit into correctnl inst (2nd/subsq off or for resale)	F-3	5	<u>10</u>
5903 (c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	5	<u>10</u>
5903 (c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	7	<u>15</u>
5903 (c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	5	<u>10</u>
5903 (c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	7	<u>15</u>
5903 (d)	Obscene materials-admit minor to show (1st off)	F-3	5	<u>10</u>
5903 (d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	7	<u>15</u>
5903 (f)	Obscene materials-require sale	M-1	3	<u>7</u>
5904	Public exhibition of insane/deformed person	M-2	2	<u>5</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony_(loaded/ammo available) ((a.1)(1))	F-2	10	<u>21</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (previous conviction) (E)	F-1	11	<u>24</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (possession/control of firearm or within reach) (E)	F-1	11	<u>24</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1))	F-2	9	<u>20</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (previous conviction) (E)	F-1	10	<u>22</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (possession/control of firearm or within reach) (E)	F-1	10	<u>22</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	3	<u>7</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	3	<u>7</u>
6105 (a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	2	<u>5</u>
6105 (a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	1	<u>2</u>
6105 (a)(1)	Firearms-persons not to possess: fail to relinquish w/PFA ((a.1)(2))	M-2	4	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) ((a.1)(5))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (loaded/ammo available) ((c)(2))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (unloaded/no ammo available) ((c)(2))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))	M-1	4	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))	M-1	5	<u>9</u>
6105 (a)(1)*	Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))	M-1	6	<u>12</u>
6105 (a)(1)*	Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))	M-1	5	<u>9</u>
6105.2(a)(1)	Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons	M-2	4	<u>9</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6106 (a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	9	<u>19</u>
6106 (a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	7	<u>15</u>
6106 (a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	<u>19</u>
6106 (a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-3	7	<u>15</u>
6106 (a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	<u>7</u>
6106 (a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/no other crim. act.)	M-1	3	<u>7</u>
6107 (a)	Firearms-prohibited conduct during emergency	M-1	3	<u>7</u>
6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	<u>9</u>
6108*	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	4	<u>8</u>
6110.1 (a)	Firearms-possession by minor	M-1	3	<u>7</u>
6110.1 (c)	Firearms-delivery to minor by adult	F-3	7	<u>15</u>
6110.2 (a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	10	<u>21</u>
6110.2 (a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	9	<u>19</u>
6111 (a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	<u>5</u>
6111 (a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	<u>19</u>
6111 (a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	<u>18</u>
6111 (a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	<u>9</u>
6111 (a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	<u>18</u>
6111 (a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	<u>9</u>
6111 (a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	<u>5</u>
6111 (a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	<u>19</u>
6111 (a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	8	<u>18</u>
6111 (a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	5	<u>9</u>
6111 (a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	8	<u>18</u>
6111 (a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	5	<u>9</u>
6111 (b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	2	<u>5</u>
6111 (b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	9	<u>19</u>
6111 (b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	8	<u>18</u>
6111 (b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	5	<u>9</u>
6111 (b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	8	<u>18</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6111 (b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	5	<u>9</u>
6111 (b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	<u>5</u>
6111 (b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	<u>19</u>
6111 (b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	<u>18</u>
6111 (b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	<u>9</u>
6111 (b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	<u>18</u>
6111 (b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	<u>9</u>
6111 (c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	<u>5</u>
6111 (c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	<u>19</u>
6111 (c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	<u>18</u>
6111 (c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	<u>9</u>
6111 (c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	<u>18</u>
6111 (c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	<u>9</u>
6111 (g)(2)	Firearms-sale/transfer: to unqualified or ineligible person	F-3	8	<u>18</u>
6111 (g)(2)	Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off)	F-2	9	<u>19</u>
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID	F-3	8	<u>18</u>
6111 (g)(4)	Firearms-sale/transfer: false statements, materials, ID (2nd/subsq off)	F-2	9	<u>19</u>
6112	Firearms-dealer to be licensed	M-1	3	<u>7</u>
6113 (a)(1)	Firearms-dealer license: sell in undesignated area	M-1	3	<u>7</u>
6113 (a)(2)	Firearms-dealer license: fail to display license	M-1	3	<u>7</u>
6113 (a)(3)	Firearms-dealer license: violation of act	M-1	3	<u>7</u>
6113 (a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	3	<u>7</u>
6113 (a)(5)	Firearms-dealer license: fail to keep record	M-1	3	<u>7</u>
6113 (a)(6)	Firearms-dealer license: display firearm in public view	M-1	3	<u>7</u>
6115 (a)	Firearms-lending prohibited	M-1	3	<u>7</u>
6116	Firearms-give false info/identity for purchase	M-1	3	<u>7</u>
6117 (a)	Firearms-alter mfr. number/ID	F-2	7	<u>15</u>
6121 (a)	Firearms-certain bullets prohibited	F-3	5	<u>9</u>
6122	Firearms-proof of license	M-1	3	<u>7</u>
6161 (a)	Carrying explosives on conveyances	M-2	3	<u>7</u>
6162 (a)	Shipping explosives	M-3	3	<u>7</u>
6301 (a)(1)(i)	Corruption of minors	M-1	4	<u>9</u>
6301 (a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	6	<u>14</u>
6301 (a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	1	<u>2</u>
6302 (a)	Sale/lease of weapons/explosives (to minor)	M-1	4	<u>9</u>
6303 (a)	Sale of starter pistols-to minors	M-1	4	<u>9</u>
6304 (a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	<u>2</u>
6307 (a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	<u>2</u>
6309 (a)	Representing that minor is of age	M-3	1	<u>2</u>
6310 (a)	Inducement of minors to buy liquor/beer	M-3	1	<u>2</u>
6310.1 (a)	Selling/furnishing liquor/beer to minors	M-3	1	<u>2</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6310.2 (a)	Manufacture/sale of false ID card	M-2	2	<u>5</u>
6310.3 (a)	Carrying a false ID card (2nd/subsq off)	M-3	1	<u>2</u>
6311 (a)	Tattooing a minor (1st off)	M-3	1	<u>2</u>
6311 (a)	Tattooing a minor (2nd/subsq off)	M-2	2	<u>5</u>
6311 (b)	Body piercing a minor (1st off)	M-3	1	<u>2</u>
6311 (b)	Body piercing a minor (2nd/subsq off)	M-2	2	<u>5</u>
6312 (b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	<u>18</u>
6312 (b)*	Sexual abuse of children-photographing/etc. sexual acts (10-<13 yrs) (E)	F-2	9	<u>20</u>
6312 (b)*	Sexual abuse of children-photographing/etc. sexual acts (<[13] 10 yrs or determination of prepubescence) (E)	F-2	9	<u>20</u>
6312 (b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs)	F-1	10	<u>22</u>
6312 (b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (10-<13 yrs) (E)	F-1	10	<u>22</u>
6312 (b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<[13] 10 yrs or determination of prepubescence) (E)	F-1	10	<u>22</u>
6312 (c)*	Sexual abuse of children-dissemination (13-<18 yrs) (1st off)	F-3	6	<u>12</u>
6312 (c)*	Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off)	F-2	8	<u>18</u>
6312 (c)*	Sexual abuse of children-dissemination (10-<13 yrs) (1st off) (E)	F-3	7	<u>15</u>
6312 (c)*	Sexual abuse of children-dissemination (10-<13 yrs) (2nd/subsq off) (E)	F-2	9	<u>20</u>
6312 (c)*	Sexual abuse of children-dissemination (<[13] 10 yrs or determination of prepubescence) (1st off) (E)	F-2	9	<u>15</u>
6312 (c)*	Sexual abuse of children-dissemination (<[13] 10 yrs or determination of prepubescence) (2nd/subsq off) (E)	F-2	9	<u>20</u>
6312 (c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (1st offense)	F-2	9	<u>20</u>
6312 (c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (2nd/subsq offense)	F-2	10	<u>22</u>
6312 (c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs) (1st offense) (E)	F-2	9	<u>20</u>
6312 (c)*	Sexual abuse of children-dissemination: indecent contact depicted (10-<13 yrs) (2nd/subsq offense) (E)	F-2	10	<u>22</u>
6312 (c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<[13] 10 yrs or determination of prepubescence) (1st offense) (E)	F-2	10	<u>20</u>
6312 (c)*	Sexual abuse of children-dissemination: indecent contact depicted (<[13] 10 yrs or determination of prepubescence) (2nd/subsq offense) (E)	F-2	10	<u>22</u>
6312 (d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off)	F-3	6	<u>12</u>
6312 (d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off)	F-2	8	<u>18</u>
6312 (d)*	Sexual abuse of children-possess child pornography (10-<13 yrs) (1st off) (E)	F-3	7	<u>15</u>
6312 (d)*	Sexual abuse of children-possess child pornography (10-<13 yrs) (2nd/subsq off) (E)	F-2	9	<u>20</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6312 (d)*	Sexual abuse of children-possess child pornography (<[13] 10 yrs or determination of prepubescence) (1st off) (E)	F-2	7	15
6312 (d)*	Sexual abuse of children-possess child pornography (<[13] 10 yrs or determination of prepubescence) (2nd/subsq off) (E)	F-2	9	20
6312 (d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (1st offense)	F-2	9	20
6312 (d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (2nd/subsq offense)	F-2	10	22
6312 (d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs) (1st offense) (E)	F-2	9	20
6312 (d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs) (2nd/subsq offense) (E)	F-2	10	22
6312 (d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<[13] 10 yrs or determination of prepubescence) (1st offense) (E)	F-2	9	20
6312 (d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<[13] 10 yrs or determination of prepubescence) (2nd/subsq offense) (E)	F-2	10	22
6318 (a)(1)	Unlaw. contact w/ minor-sexual offenses [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or OGS 12, whichever is greater
6318 (a)(1)	Unlaw. contact w/ minor-sexual offenses [underlying offense <F-3]	F-3	6	14
6318 (a)(2)	Unlaw. contact w/ minor-open lewdness [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or OGS 12, whichever is greater
6318 (a)(2)	Unlaw. contact w/ minor-open lewdness [underlying offense <F-3]	F-3	6	12
6318 (a)(3)	Unlaw. contact w/ minor-prostitution [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or OGS 12, whichever is greater
6318 (a)(3)	Unlaw. contact w/ minor-prostitution [underlying offense <F-3]	F-3	6	12
6318 (a)(4)	Unlaw. contact w/ minor-sexual materials [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or OGS 12, whichever is greater
6318 (a)(4)	Unlaw. contact w/ minor-sexual materials [underlying offense <F-3]	F-3	6	12

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6318 (a)(5)	Unlaw. contact w/ minor-sexual abuse [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or OGS 12, whichever is greater
6318 (a)(5)	Unlaw. contact w/ minor-sexual abuse [underlying offense <F-3]	F-3	6	12
6318 (a)(6)	Unlaw. contact w/ minor-sexual exploitation[underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or OGS 12, whichever is greater
6318 (a)(6)	Unlaw. contact w/ minor-sexual exploitation [underlying offense <F-3]	F-3	6	12
6319 (a)	Solicitation of minors to traffic drugs-general	F-2	9	19
6319 (b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	22
6320	Sexual exploitation of children	F-2	9	19
6321 (b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs)	M-3	1	2
6321 (c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	7
6321 (c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	7
6501 (a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	2
6501 (a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	2
6501 (a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	7
6501 (a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	5
6504	Public nuisances	M-2	2	5
6701 (b)(1)	Misrepresentation of military service	M-3	1	2
6701 (b)(2)	Misrepresentation of military honors	M-3	1	2
6703	Dealing in military decorations	M-3	1	2
6707	False registration of domestic animals	M-3	1	2
6709 (1)	Use of union labels-insignia	M-3	1	2
6709 (2)	Use of union labels-nonunion product	M-3	1	2
6709 (3)	Use of union labels-not authorized by union	M-3	1	2
6901	Extension of water line-w/o permit	M-3	1	2
6910 (a)	Unauthorized sale of tickets	M-3	1	2
7102	Administer drugs to race horses	M-1	3	7
7103 (a)	Horse racing	M-3	1	2
7104 (a)	Fortune telling-for gain or lucre	M-3	1	2
7107 (a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	3	7
7107 (a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	3	7
7107 (a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	3	7
7302 (a)	Sale of solidified alcohol	M-2	2	5

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
7302 (b)	Labeling of solidified alcohol	M-1	3	<u>7</u>
7303 (a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	1	<u>2</u>
7303 (c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	1	<u>2</u>
7303 (d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	1	<u>2</u>
7306 (a)	Incendiary devices	M-1	3	<u>7</u>
7307	Out-of-state convict made goods-sell/exchange	M-2	2	<u>5</u>
7308 (a)	Unlawful advertising of insurance business	M-2	2	<u>5</u>
7309 (a)	Unlawful coercion in contracting insurance	M-1	3	<u>7</u>
7310 (a)	Furnishing free insurance as inducement for purchase	M-3	1	<u>2</u>
7311 (a)	Unlawful collection agency practices-assignment of claims	M-3	1	<u>2</u>
7311 (b)	Unlawful collection agency practices-appearance for creditor	M-3	1	<u>2</u>
7311 (b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	<u>2</u>
7311 (c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	<u>2</u>
7311 (d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	<u>2</u>
7311 (e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	<u>2</u>
7311 (f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	<u>2</u>
7312 (a)	Debt pooling	M-3	1	<u>2</u>
7313 (a)	Buying/exchanging SNAP benefits (>=\$1,000)	F-3	5	<u>9</u>
7313 (a)	Buying/exchanging SNAP benefits (<\$1,000)	M-1	3	<u>7</u>
7314 (a)	Fraudulent traffic in SNAP benefits (>=\$2,500)	F-2	7	<u>15</u>
7314 (a)	Fraudulent traffic in SNAP benefits (\$1,000-<\$2,500)	F-3	5	<u>9</u>
7314 (a)	Fraudulent traffic in SNAP benefits (<\$1,000)	M-1	3	<u>7</u>
7316 (a)	Keeping bucket-shop	M-3	1	<u>2</u>
7317 (a)	Accessories in conduct of bucket-shop	M-3	1	<u>2</u>
7318 (a)	Maintaining premises of bucket-shop	M-3	1	<u>2</u>
7319 (b)	Bucket-shop contracts	M-3	1	<u>2</u>
7321 (a)	Lie detector tests-require for employment	M-2	2	<u>5</u>
7322	Demanding property/money to secure employment	M-3	1	<u>2</u>
7323	Discrimination on account of U.S. armed forces uniform	M-2	2	<u>5</u>
7324 (b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	1	<u>2</u>
7324 (c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	1	<u>2</u>
7324 (d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	1	<u>2</u>
7326 (a)	Disclosure of confidential tax information	M-3	1	<u>2</u>
7328 (a)	Operation of unauthorized bottle club	M-3	1	<u>2</u>
7503 (a)	Architects/engineers-interest in public works contracts	M-3	1	<u>2</u>
7504 (a)	Appointment of special police	M-3	1	<u>2</u>
7507	Breach of privacy-use stress monitor w/o consent	M-2	2	<u>5</u>
7507.1 (a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	2	<u>5</u>
7507.1 (a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	3	<u>7</u>
7507.1 (a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	2	<u>5</u>

ATTACHMENT 3

18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
7507.1 (a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	3	<u>7</u>
7507.1 (a)(3)	Invasion of privacy-transfer image (single violation)	M-3	2	<u>5</u>
7507.1 (a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	3	<u>7</u>
7508.2 (a)	Operate meth lab-cause chemical reaction	F-2	8	<u>18</u>
7508.2 (a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	<u>19</u>
7509 (a)	Furnishing drug-free urine: unlaw. sale	M-3	1	<u>2</u>
7509 (b)	Furnishing drug-free urine: unlaw. use	M-3	1	<u>2</u>
7510 (a)	Municipal housing code avoidance (4th off)	M-2	2	<u>5</u>
7510 (a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	<u>7</u>
7512 (a)	Criminal use of communication facility	F-3	5	<u>9</u>
7515 (a)(1)	Contingent compensation-compensate other	M-3	1	<u>2</u>
7515 (a)(2)	Contingent compensation-agree to lobby	M-3	1	<u>2</u>
7516 (a)	Greyhound racing-for remuneration	M-1	3	<u>7</u>
7517 (b)	Commemorative service demonstration activities	M-3	1	<u>2</u>
7611 (a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	<u>15</u>
7611 (a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	<u>15</u>
7611 (a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	<u>15</u>
7612 (a)	Disruption of computer service	F-3	7	<u>15</u>
7613 (a)	Computer theft	F-3	7	<u>15</u>
7614 (a)	Unlawful duplication (>\$2500)	F-2	7	<u>15</u>
7614 (a)	Unlawful duplication (<=\$2500)	F-3	5	<u>10</u>
7615 (a)(1)	Computer trespass-remove data/programs	F-3	7	<u>15</u>
7615 (a)(2)	Computer trespass-cause malfunction	F-3	7	<u>15</u>
7615 (a)(3)	Computer trespass-alter/erase data	F-3	7	<u>15</u>
7615 (a)(4)	Computer trespass-transfer funds	F-3	7	<u>15</u>
7615 (a)(5)	Computer trespass-cause physical injury to property	F-3	7	<u>15</u>
7616 (a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	<u>15</u>
7616 (a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	<u>15</u>
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	<u>2</u>
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	<u>5</u>
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	<u>10</u>
7641 (a)	Computer-assisted remote harvesting of animals	M-3	1	<u>2</u>
7661 (a)(1)	Unlaw. transmis. email-forge/falsify	M-3	1	<u>2</u>
7661 (a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	7	<u>15</u>
7661 (a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	5	<u>10</u>
7661 (a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	1	<u>2</u>
7661 (a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	7	<u>15</u>
7661 (a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	5	<u>10</u>
7661 (a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	<u>2</u>
7661 (a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	<u>15</u>

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18 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
7661 (a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	<u>10</u>
7661 (a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	<u>2</u>
7661 (a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	<u>15</u>
7661 (a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	<u>10</u>
7702 (1)	Owning/operating/conducting a chop shop	F-2	7	<u>15</u>
7702 (2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	<u>15</u>
7703	Altered or illegally obtained property-veh ID num	F-3	5	<u>10</u>
7704	Altered or illegally obtained property-disposition	F-3	5	<u>10</u>

*=subcategorized offenses. See §303.3(b).

m=other misdemeanor offense. See §303.7(a)(5).

Inchoates=inchoate to 4 point PRS offenses. See §303.7(a)(5).

See §303.7(c) and §303.8(b) for all other inchoates.

**MISCELLANEOUS OFFENSES
(Child Abuse Reporting)**

23 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	1	<u>2</u>
6319(a)(2)	Failure to report or to refer suspected child abuse	F-3	5	<u>10</u>
6319(a)(3)	Failure to report or to refer suspected child abuse	M-2	2	<u>5</u>
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action	[M-1] F-3	[3] 5	<u>10</u>
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action (child abuse if F-1 or higher)	[F-3] F-2	[5] 7	<u>15</u>
6319(c)	Failure to report or to refer suspected child abuse (2 nd /subsq)	F-3	6	<u>12</u>
6319(c)	Failure to report or to refer suspected child abuse-child abuse if F-1 or higher (2 nd /subsq)	F-2	7	<u>15</u>
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (1 st violation)	M-3	2	<u>5</u>
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (subsq violation)	M-2	3	<u>7</u>

ATTACHMENT 3

m=other misdemeanor offense. See §303.7(a)(5).

OPERATION OF BOATS

30 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5502 (a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	1	<u>2</u>
5502 (a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	1	<u>3</u>
5502 (a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	3	<u>7</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	1	<u>2</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	5	<u>10</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	1	<u>3</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	1	<u>4</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	5	<u>11</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	5	<u>12</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	1	<u>2</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	1	<u>3</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	5	<u>10</u>
5502 (a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	5	<u>11</u>
5502 (a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	<u>3</u>
5502 (a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	<u>4</u>
5502 (a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	<u>10</u>
5502 (a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	<u>11</u>
5502 (a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	1	<u>2</u>
5502 (a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	1	<u>3</u>
5502 (a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	<u>7</u>

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30 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	<u>PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE</u>
5502 (a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	1	<u>4</u>
5502 (a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	<u>11</u>
5502 (a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	<u>12</u>
5502 (a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	1	<u>2</u>
5502 (a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	5	<u>10</u>
5502 (a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	1	<u>2</u>
5502 (a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	5	<u>10</u>
5502 (a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	<u>2</u>
5502 (a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	<u>10</u>
5502 (a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	1	<u>2</u>
5502 (a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	5	<u>10</u>
5502 (a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	1	<u>2</u>
5502 (a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	5	<u>10</u>
5502 (a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	1	<u>2</u>
5502 (a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	5	<u>10</u>
5502 (a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	<u>11</u>
5502 (a.4)	Oper. watercraft under influence-minor operator (1st off)	M	1	<u>2</u>
5502 (a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	1	<u>3</u>
5502 (a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	5	<u>10</u>
5502 (a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	5	<u>11</u>
5502.1 (a)	Homicide by watercraft while operating under influence	F-2	10	<u>21</u>

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30 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	8	<u>19</u>
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	6	<u>13</u>
5502.3 (a)	Aggravated assault by watercraft while operating under influence	F-2	7	<u>15</u>
5507(a)	Duties of operators involved in boating accidents-stop	M-1	3	<u>7</u>
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	5	<u>10</u>
5507(b)	Duties of operators involved in boating accidents-give information	M-1	3	<u>7</u>
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	5	<u>10</u>
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	3	<u>7</u>
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	5	<u>10</u>
5507(d)	Duties of operators involved in boating accidents-stay	M-1	3	<u>7</u>
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	5	<u>10</u>

*=subcategorized offenses. See §303.3(b)
m=other misdemeanor offense. See §303.7(a)(5)

GAME

34 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
2314(a)(2)	Trespass on private property while hunting-no authorization; defies order (2nd/subsq off)	M	2	5

*=subcategorized offenses. See §303.3(b)

DRUG ACT OFFENSES

35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	4	<u>9</u>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	4	<u>10</u>
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	4	<u>9</u>
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	4	<u>10</u>
(a)(3)	False/misleading advertisement (1st off)	M	4	<u>9</u>
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	4	<u>10</u>

ATTACHMENT 3

35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(4)	Removal/disposal-detained substance (1st off)	M	5	<u>10</u>
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	5	<u>11</u>
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	4	<u>9</u>
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	4	<u>10</u>
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	5	<u>10</u>
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	5	<u>11</u>
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	5	<u>10</u>
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	5	<u>11</u>
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	5	<u>10</u>
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	5	<u>11</u>
(a)(9)	Selling trademark equipment to defraud (1st off)	M	5	<u>10</u>
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	5	<u>11</u>
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	4	<u>9</u>
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	4	<u>10</u>
(a)(11)	Illegal pharmacy operations (1st off)	M	5	<u>10</u>
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	5	<u>11</u>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	6	<u>12</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	6	<u>12</u>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1000 g)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	10	<u>22</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	6	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	5	<u>11</u>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1000 g)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1000 g)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	6	<u>12</u>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1000 g)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1000 g)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	6	<u>12</u>
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1000 g)	F	13	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1000 g)	F	11	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	6	<u>12</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1000 lbs.)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5000 plants)	F	10	<u>22</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	8	<u>18</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	7	<u>15</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	5	<u>11</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	5	<u>11</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	3	<u>7</u>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	3	<u>7</u>
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	5	<u>10</u>
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	5	<u>10</u>
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	5	<u>10</u>
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	5	<u>10</u>

ATTACHMENT 3

35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	3	<u>7</u>
(a)(13)	Dispense drugs to dependent person (1st off)	M	4	<u>9</u>
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	4	<u>10</u>
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>17</u>
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (>=100 g)	F	14	<u>28</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>30</u>
(a)(14)*	Delivery by practitioner -fentanyl and its derivatives and analogues (50-<100 g)	F	13	<u>28</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>30</u>
(a)(14)*	Delivery by practitioner -fentanyl and its derivatives and analogues (10-<50 g)	F	11	<u>24</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>28</u>
(a)(14)*	Delivery by practitioner -fentanyl and its derivatives and analogues (1-<10 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner -fentanyl and its derivatives and analogues (<1 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	7	<u>15</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>17</u>
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	6	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	5	<u>11</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>16</u>
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>17</u>
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>17</u>
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	11	<u>22</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>23</u>
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>17</u>
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	10	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	10	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>19</u>
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>18</u>
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	5	<u>11</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>16</u>
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	5	<u>11</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>16</u>
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	3	<u>7</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>10</u>
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	3	<u>7</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>10</u>
(a)(14)*	Delivery by practitioner-Sched I	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>14</u>
(a)(14)*	Delivery by practitioner-Sched II	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>14</u>
(a)(14)*	Delivery by practitioner-Sched III	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>14</u>
(a)(14)*	Delivery by practitioner-Sched IV	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>14</u>
(a)(14)*	Delivery by practitioner-Sched V	M	3	<u>7</u>
	<u>Distribution to minors (35 P.S. §780-114)</u>			<u>10</u>
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	4	<u>9</u>
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	4	<u>10</u>
(a)(16)	Simple possession (1st off)	M	3	<u>5</u>
(a)(16)	Simple possession (2nd/subsq off)	M	3	<u>6</u>
(a)(16)	Simple possession-GHB (1 st off)	F	5	<u>10</u>
(a)(16)	Simple possession-GHB (2 nd /sub off)	F	5	<u>11</u>
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	4	<u>9</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	4	<u>10</u>
(a)(18)	Illegal sale container (1st off)	M	4	<u>9</u>
(a)(18)	Illegal sale container (2nd/subsq off)	M	4	<u>10</u>
(a)(19)	Intentional unauthorized purchase (1st off)	M	5	<u>9</u>
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	5	<u>10</u>
(a)(20)	Divulging trade secret (1st off)	M	4	<u>9</u>
(a)(20)	Divulging trade secret (2nd/subsq off)	M	4	<u>10</u>
(a)(21)	Failure to keep records (1st off)	M	2	<u>5</u>
(a)(21)	Failure to keep records (2nd/subsq off)	M	2	<u>6</u>
(a)(22)	Refusal of inspection (1st off)	M	2	<u>5</u>
(a)(22)	Refusal of inspection (2nd/subsq off)	M	2	<u>6</u>
(a)(23)	Unauthorized removal of seals	M	5	<u>10</u>
(a)(24)	Failure to obtain license (1st off)	M	2	<u>5</u>
(a)(24)	Failure to obtain license (2nd/subsq off)	M	2	<u>6</u>
(a)(25)	Manufacture by unauthorized party	M	5	<u>10</u>
(a)(26)	Distribution by registrant of Schedule I or II	M	5	<u>10</u>
(a)(27)	Use of fictitious registration number	M	5	<u>10</u>
(a)(28)	Furnish false application material	M	5	<u>10</u>
(a)(29)	Production of counterfeit trademarks equipment	M	5	<u>10</u>
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>17</u>
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (>=100 g)	F	14	<u>28</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>30</u>
(a)(30)*	Possession with intent to deliver -fentanyl and its derivatives and analogues (50-<100 g)	F	13	<u>28</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>30</u>
(a)(30)*	Possession with intent to deliver -fentanyl and its derivatives and analogues (10-<50 g)	F	11	<u>24</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>28</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(30)*	Possession with intent to deliver -fentanyl and its derivatives and analogues (1-<10 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver -fentanyl and its derivatives and analogues (<1 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>17</u>
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	6	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	5	<u>11</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>16</u>
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>17</u>
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-PCP (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>17</u>
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	13	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-MDMA (100-1000 g)	F	11	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	10	<u>22</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>23</u>
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	6	<u>12</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>17</u>
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	10	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	10	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	8	<u>18</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>19</u>
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	5	<u>11</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>16</u>
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	5	<u>11</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>16</u>
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	3	<u>7</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>10</u>
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	3	<u>7</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>10</u>

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35 P.S. §780-113	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(30)*	Possession with intent to deliver-Sched I (>=100 g)	F	7	<u>15</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>18</u>
(a)(30)*	Possession with intent to deliver-Sched I (<100 g)	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>14</u>
(a)(30)*	Possession with intent to deliver-Sched II	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>14</u>
(a)(30)*	Possession with intent to deliver-Sched III	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>14</u>
(a)(30)*	Possession with intent to deliver-Sched IV	F	5	<u>10</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>14</u>
(a)(30)*	Possession with intent to deliver-Sched V	M	3	<u>7</u>
	<u>Distribution to minors (35 P.S. §780-114) or Second or subsequent offense (35 P.S. §780-115)</u>			<u>10</u>
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish)	M	1	<u>2</u>
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	1	<u>2</u>
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	1	<u>2</u>
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	1	<u>2</u>
(a)(32)	Possession-drug paraphernalia	M	1	<u>2</u>
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	4	<u>9</u>
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	3	<u>7</u>
(a)(34)	Place ad for sale of drug paraphernalia	M	1	<u>2</u>
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	5	<u>10</u>
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	5	<u>10</u>
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	5	<u>10</u>
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	5	<u>10</u>
(a)(36)	Possession w/ intent to deliver-designer drugs	F	5	<u>10</u>
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	4	<u>9</u>
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	4	<u>10</u>
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	9	<u>19</u>
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	7	<u>15</u>
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off)	M	2	<u>5</u>
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off)	M	2	<u>6</u>
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	2	<u>5</u>
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	2	<u>5</u>

m=other misdemeanor offense. See §303.7(a)(5).

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35 P.S. §780-113.1	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	3	<u>7</u>
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	3	<u>7</u>
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	5	<u>10</u>
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	5	<u>10</u>
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	5	<u>10</u>

35 P.S. §780-113.4	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
(a)(1)	Operate meth lab-create chemical reaction	F-2	7	<u>15</u>
(a)(3)	Operate meth lab-create chemical reaction (w/in 1000 ft. of school)	F-1	8	<u>18</u>
(b)(1)	Operate meth lab-stores/disposes substance used in manuf.	F-3	5	<u>10</u>

35 P.S.	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
6018.101- 6018.1002	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	9	<u>19</u>
	Transports, etc. hazardous waste without permit	F-2	7	<u>15</u>
	Violation of Act, DER Order, etc.	M-3	1	<u>2</u>
691.1- 691.1001	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	1	<u>2</u>
4001-4015	Air Pollution Control Act			
	Knowingly releases hazardous air pollutant	F-1	9	<u>19</u>
	Violation of Act, DER Order, etc.	M-2	2	<u>5</u>
	Negligently releases hazardous air pollution	M-3	1	<u>2</u>

m=other misdemeanor offense. See §303.7(a)(5).

JUDICIAL CODE

42 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
4583.1 (a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	<u>24</u>
4583.1 (a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	<u>19</u>
4583.1 (a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	<u>15</u>

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4583.1 (a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	<u>24</u>
4583.1 (a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	<u>19</u>
4583.1 (a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	<u>15</u>
4583.1 (a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	<u>24</u>
4583.1 (a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	<u>19</u>
4583.1 (a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	<u>15</u>
4583.1 (a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	<u>24</u>
4583.1 (a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	<u>19</u>
4583.1 (a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	<u>15</u>

VEHICLE LAW OFFENSES

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
1543(b)(1)(iii)	Drive w/ suspended/revoked license as condition of ARD/conviction for DUI (3rd /subsq off)	M-3	1	<u>2</u>
1543 (b)(1.1)(ii)	Drive w/ susp. lic. & BAC >=0.02% /or under influence of controlled subst. (2nd off)	M-3	1	<u>2</u>
1543 (b)(1.1)(iii)	Drive w/ susp. lic. & BAC >=0.02% /or under influence of controlled subst. (3rd/subsq off)	M-1	3	<u>7</u>
1571 (a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	<u>10</u>
1571 (a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	<u>7</u>
3105 (g)(2)	Unauth. operation of preemptive device	M-3	1	<u>2</u>
3367	Racing on highways (2nd/subsq off)	M	1	<u>2</u>
3712 (a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	<u>2</u>
3712 (b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	<u>2</u>
3712.2 (a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	<u>10</u>
3712.2 (a)	Stripping abandoned vehicles (1st off)	M-3	1	<u>2</u>
3732 (a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B) (E)	F-3 ¹	10	<u>21</u>
3732 (a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) (Category A and Category C) (E)	F-3 ¹	10	<u>21</u>

ATTACHMENT 3

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3732 (a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C) (E)	F-3 ¹	8	<u>19</u>
3732 (a)*	Homicide by vehicle-w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended / revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B of Category C) (E)	F-3 ¹	8	<u>19</u>
3732 (a)*	Homicide by vehicle	F-3	6	<u>18</u>
3732.1 (a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B) (E)	F-3 ²	9	<u>20</u>
3732.1 (a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) (Category A and Category C) (E)	F-3 ²	9	<u>20</u>
3732.1 (a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C) (E)	F-3 ²	7	<u>15</u>
3732.1 (a)*	Aggravated assault by vehicle w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended/revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B of Category C) (E)	F-3 ²	7	<u>15</u>
3732.1 (a)*	Aggravated assault by vehicle	F-3	5	<u>13</u>
3733 (a)	Fleeing or eluding police officer	M-2	2	<u>5</u>
3733 (a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	<u>10</u>
3735 (a)(1)(i)	Homicide by vehicle while DUI	F-2	10	<u>21</u>
3735 (a)(1)(ii)	Homicide by vehicle while DUI (prior DUI)	F-1	11	<u>24</u>
3735.1 (a)	Aggravated assault by vehicle while DUI	F-2	9	<u>19</u>
3735.1 (a.1)*	Aggravated assault by vehicle while DUI-required to be licensed (75-1501) or operating privilege suspended/revoked (75-1543)	F-2	10	<u>21</u>
3742 (a)	Accident involving death/personal injury-failure to stop (death) (E)	F-2	9	<u>20</u>

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75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3742 (a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	5	<u>10</u>
3742 (a)	Accident involving death/personal injury-failure to stop (injury)	M-1	3	<u>7</u>
3742.1 (a)(1)*	Accident involving death/personal injury-not properly licensed (death)	F-3	6	<u>12</u>
3742.1 (a)(1)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	<u>10</u>
3742.1 (a)(1)	Accident involving death/personal injury-not properly licensed	M-2	2	<u>5</u>
3742.1 (a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (death)	M-2	3	<u>7</u>
3742.1 (a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (SBI)	M-3	2	<u>5</u>
3743 (a)	Accident involving damage to attended vehicle or property	M-3	1	<u>2</u>
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions §303.9(i))			-
3802 (a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	1	<u>4</u>
3802 (a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	1	<u>10</u>
3802 (a)(1)	DUI-general impairment/incapable of safe driving (3rd off)	M-2	3	<u>10</u>
3802 (a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-general impairment/incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (a)(1)	DUI-general impairment/incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	1	<u>4</u>
3802 (a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	5	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: refused testing (3rd/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: refused testing (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: refused testing (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off)	M	1	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	1	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	5	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>

ATTACHMENT 3

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3802 (a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	1	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	1	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	5	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	1	<u>4</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	1	<u>10</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (3 rd off)	M-2	3	<u>10</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off)	F-3	6	<u>12</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-< .16 (1st off)	M	1	<u>10</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-< .16 (2nd off)	M	1	<u>10</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-< .16 (3rd off)	M-1	5	<u>12</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	F-3	6	<u>12</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	1	<u>10</u>
3802 (c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	<u>12</u>
3802 (c)	DUI-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	F-3	6	<u>12</u>
3802 (c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	1	<u>10</u>
3802 (d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	5	<u>12</u>
3802 (d)(1)(i)	DUI-controlled substances: Sched I (3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735)	F-3	6	<u>12</u>

ATTACHMENT 3

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3802 (d)(1)(i)	DUI-controlled substances: Sched I (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (d)(1)(i)	DUI-controlled substances: Sched I (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	1	<u>10</u>
3802 (d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	5	<u>12</u>
3802 (d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	<u>10</u>
3802 (d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	<u>12</u>
3802 (d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	1	<u>10</u>
3802 (d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	5	<u>12</u>
3802 (d)(2)	DUI-controlled substances & incapable of safe driving (3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	1	<u>10</u>
3802 (d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	5	<u>12</u>
3802 (d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	1	<u>10</u>
3802 (d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	5	<u>12</u>
3802 (d)(4)	DUI-controlled substances: solvent, etc. (3rd/subsq off)	F-3	6	<u>12</u>

ATTACHMENT 3

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3802 (d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (d)(4)	DUI-controlled substances: solvent, etc. (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (d)(4)	DUI-controlled substances: solvent, etc. (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (e)	DUI-minor driver (1st off)	M	1	<u>10</u>
3802 (e)	DUI-minor driver (2nd off)	M	1	<u>10</u>
3802 (e)	DUI-minor driver (3rd off)	M-1	5	<u>12</u>
3802 (e)	DUI-minor driver (4th/subsq off)	F-3	6	<u>12</u>
3802 (e)	DUI-minor driver (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (e)	DUI-minor driver (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (e)	DUI-minor driver (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (f)(1)(i)	DUI-commercial vehicles (1st off)	M	1	<u>10</u>
3802 (f)(1)(i)	DUI-commercial vehicles (2nd off)	M	1	<u>10</u>
3802 (f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	5	<u>12</u>
3802 (f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	F-3	6	<u>12</u>
3802 (f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (f)(1)(i)	DUI-commercial vehicles (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (f)(1)(i)	DUI-commercial vehicles (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (f)(1)(ii)	DUI-school vehicles (1st off)	M	1	<u>10</u>
3802 (f)(1)(ii)	DUI-school vehicles (2nd off)	M	1	<u>10</u>
3802 (f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	5	<u>12</u>
3802 (f)(1)(ii)	DUI-school vehicles (4th/subsq off)	F-3	6	<u>12</u>
3802 (f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (f)(1)(ii)	DUI-school vehicles (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (f)(1)(ii)	DUI-school vehicles (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	<u>10</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	<u>10</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	5	<u>12</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	F-3	6	<u>12</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	1	<u>10</u>
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	1	<u>12</u>
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	5	<u>12</u>
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	F-3	6	<u>12</u>

ATTACHMENT 3

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	PROPOSED 8TH Ed. OFFENSE GRAVITY SCORE
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	1	<u>10</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	1	<u>12</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	5	<u>12</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	F-3	6	<u>12</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735)	F-3	6	<u>12</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 1st/2nd off)	M-1	5	<u>10</u>
3802 (f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 3rd/subsq off)	F-3	6	<u>12</u>
3808 (a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	<u>2</u>
3808 (a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	1	<u>2</u>
3808 (b)	Tampering with ignition interlock system-using/providing breath sample	M	1	<u>2</u>
6308 (d)	Investigation by police officers-records	M-3	1	<u>2</u>
6503.1	Habitual offenders	M-2	2	<u>5</u>
7111	Deal in titles/plates for stolen vehicles	M-1	3	<u>7</u>
7112	False report of theft or conversion of vehicle	M-3	1	<u>2</u>
7121	False application for title or registration	M-1	3	<u>7</u>
7122	Altered/forged/counterfeit title/plates	M-1	3	<u>7</u>
8306 (b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	<u>2</u>
8306 (c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	<u>5</u>

*=subcategorized offenses. See §303.3(b).

m=other misdemeanor offense. See §303.7(a)(5).

¹ statutory maximum increased by 5 years if offense occurred in active work zone or if also convicted of 75 §1501, 75 §1543, 75 §3316, 75 §3325 or 75 §3327 (maximum=12 years)

² statutory maximum increased by 2 years if offense occurred in active work zone or if also convicted of 75 §1501, 75 §1543, 75 §3316, 75 §3325 or 75 §3327 (maximum=9 years)

ATTACHMENT 3
OMNIBUS ASSIGNMENTS

OMNIBUS ASSIGNMENTS	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	<u>PROPOSED</u> <u>8TH Ed.</u> <u>OFFENSE</u> <u>GRAVITY</u> <u>SCORE</u>
	F-1+ (max >20 years)	10	<u>28</u>
Offenses not otherwise listed and new offenses:	F-1	8	<u>20</u>
	F-2	7	<u>16</u>
	F-3	5	<u>12</u>
	Felony Not Classified	5	<u>12</u>
	M-1	3	<u>8</u>
	M-2	2	<u>4</u>
	M-3	1	<u>2</u>
	Misdemeanor Not Classified	1	<u>2</u>

ATTACHMENT 4
Proposed Basic Sentencing Matrix

		Prior Record Score				(AGG/MIT)	
		Zero	Low	Medium	High [RFEL (REVOC)]	(+/-)	
H	(A) Homicide 1	Murder 1 (18+)	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	Level H 24 months
	(A) Homicide 2	Murder 2 (18+)	LWOP	LWOP	LWOP	LWOP	
	(B) Homicide 1	Murder 1 (15 <18)	420	420-480	480-540	540-600 (660-SL)	
	(B) Homicide 2	Murder 2 (15 <18)	360	360-420	420-480	540-600 (600-SL)	
	(C) Homicide 1	Murder 1 (10 <15)	300	300-360	360-420	420-480 (480-SL)	
	(C) Homicide 2	Murder 2 (10 <15)	240	240-300	300-360	360-420 (420-SL)	
F	State Confinement (Max >20 years)	36	162-174	186-198	210-222	234-246 (240-SL)	Level F 12 months
		35	138-150	162-174	186-198	210-222 (222-SL)	
		34	114-126	138-150	162-174	186-198 (198-SL)	
		33	90-102	114-126	138-150	162-174 (174-SL)	
E	State Confinement	32	84-96	90-102	96-108	102-114 (114-SL)	Level E 6 months
		31	78-90	84-96	90-102	96-108 (108-SL)	
		30	72-84	78-90	84-96	90-102 (102-SL)	
		29	66-78	72-84	78-90	84-96 (96-SL)	
		28 (F-1+ OMNI)	60-72	66-78	72-84	78-90 (90-SL)	
		27	54-66	60-72	66-78	72-84 (84-SL)	
		26	48-60	54-66	60-72	66-78 (78-SL)	
		25	42-54	48-60	54-66	60-72 (72-SL)	
		24	36-48	42-54	48-60	54-66 (66-SL)	
D	State Confinement (County Confinement Exception)	22	24-<30	30-42	36-48	42-54 (54-SL)	Level D 4 months
		21	20-24	24-<30	30-42	36-48 (48-SL)	
		20 (F-1 OMNI)	16-20	20-24	24-<30	30-42 (42-SL)	
		19	12-16	16-20	20-24	24-<30 (30-SL)	
C	County Confinement	18	9-<12 months RC	12-16	16-20	20-24 (24-SL)	Level C 2 months
		17	8-10 months RC	9-<12 months RC	12-16	16-20 (20-SL)	
		16 (F-2 OMNI)	7-9 months RC	8-10 months RC	9-<12 months RC	12-16 (16-SL)	
		15	6-8 months RC	7-9 months RC	8-10 months RC	9-<12 months RC	
		14	5-7 months RC	6-8 months RC	7-9 months RC	8-10 months RC	
		13	4-6 months RC	5-7 months RC	6-8 months RC	7-9 months RC	
		12 (F-3 OMNI)	3-5 months RC	4-6 months RC	5-7 months RC	6-8 months RC	
		11	2-4 months RC	3-5 months RC	4-6 months RC	5-7 months RC	
B	Probation	9	36 months Probation (225-250)	1-3 months RC	2-4 months RC	3-5 months RC	Level B 6 months Probation
		8 (M-1 OMNI)	30 months Probation (200-225)	36 months Probation (225-250)	1-3 months RC	2-4 months RC	
		7	24 months Probation (175-200)	30 months Probation (200-225)	30 months Probation; 1-3 mos. RC (225-250)	1-3 months RC	
		6	18 months Probation (150-175)	24 months Probation (175-200)	24 months Probation; 1-2 mos. RC (200-225)	30 months Probation; 1-3 mos. RC (225-250)	
		5	12 months Probation (125-150)	18 months Probation (150-175)	18 months Probation; 1-2 mos. RC (175-200)	24 months Probation; 1-2 mos. RC (200-225)	
		4 (M-2 OMNI)	6 months Probation (100-125)	12 months Probation (125-150)	12 months Probation; 1 mo. RC (150-175)	18 months Probation; 1-2 mos. RC (175-200)	
A	Restorative Sanctions	3	RS (75-100)	6 months Probation (100-125)	6 months Probation; 1 mo. RC (125-150)	12 months Probation; 1 mo. RC (150-175)	Level A 25 hours
		2 (M-3 OMNI)	RS (50-75)	RS (75-100)	RS - 6 mos. Probation (100-125)	12 months Probation (125-150)	
		1	RS (25-50)	RS (50-75)	RS (75-100)	RS - 6 mos. Probation (100-125)	



THE ROLE OF DEFENSE COUNSEL IN SENTENCING

I. Introduction

The Public Defender Association of Pennsylvania (PDAP) appreciates the opportunity to provide testimony on sentencing and sentencing reform to the Pennsylvania House Democratic Policy Committee.¹ Founded in 1971, PDAP is a statewide community of Public Defenders dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom, or family. Our mission is to provide tools, mutual support, training, and information to Public Defender offices in Pennsylvania; to be the voice of public defense in Pennsylvania; and to promote best practices in the leadership, management, and administration of justice in Pennsylvania.

Our testimony will provide a synopsis of the current sentencing practices in Pennsylvania's criminal courts, speak about the defense role in sentencing, and lay out criminal defense priorities related to sentencing. Sentencing impacts every step of the criminal case process, and sentencing reform impacts every person in the criminal justice system. This sweeping scope provides sweeping opportunity to implement reasonable, effective change.

II. A Synopsis of the Sentencing Process in Pennsylvania's Criminal Courts

When someone charged with a crime is found guilty at trial or pleads guilty, the judge determines the appropriate sentence based on input from defense counsel, the prosecution, and the county probation department's presentence investigation report (PSI). In fashioning an appropriate sentence based on the information provided by defense counsel, the Commonwealth, and the PSI report, courts are guided by two sources of law. The first is 42 Pa.C.S. § 9721(a)-(b), which outline both the sentencing alternatives available to the court and substantive factors the court must consider when imposing a sentence. The second are the Sentencing Guidelines promulgated by the Pennsylvania Commission on Sentencing.

Some of the information the judge considers is relatively objective. The judge looks at the offenses the person was convicted of to determine the offense gravity score of each. The judge also

¹ Submitted on January 13, 2022 in advance of oral testimony on 1/20/22. For additional information or with any questions, please contact PDAP Executive Director Sara Jacobson at SJacobson.pdap@gmail.com.

examines any prior convictions to determine the person’s prior record score. Both scores are readily attainable by referencing the Sentencing Guidelines’ Comprehensive Offense List. Often these numbers are provided in a presentence report developed by the probation department. If there is no presentence report, then those numbers may be supplied and agreed to by the defense and the prosecution. Using the offense gravity score and the prior record score, the judge consults the Sentencing Guidelines’ Sentencing Matrix to determine the standard sentencing range, as well as the mitigated and aggravated ranges.

The range provided by the matrix provides a standard sentencing range for the minimum sentence. This range can include “restorative sanctions” which are probationary sentences. For example, if the Sentencing Matrix calls for a standard sentencing range of restorative sanctions to 6 months, a standard range sentence could be a term of probation or could carry a minimum prison term of any amount up to 6 months. In Pennsylvania, prison sentences must have a minimum and a maximum term, and the maximum term must be at least double the minimum sentence. Therefore, if a judge sentences someone to a minimum term of 6 months in prison, the maximum must be at least 12 months in prison. The maximum sentence can be no more than permitted by statute. The statutory maximum limits are as follows:

TYPE OF OFFENSE	MAXIMUM POSSIBLE SENTENCE
SUMMARY OFFENSES	90 DAYS
3 RD DEGREE MISDEMEANORS	1 YEAR
2 ND DEGREE MISDEMEANORS	2 YEARS
1 ST DEGREE MISDEMEANORS	5 YEARS
3 RD DEGREE FELONIES	7 YEARS
2 ND DEGREE FELONIES	10 YEARS
1 ST DEGREE FELONIES	20 YEARS ²

Given the applicable range for a minimum sentence, the questions become 1) what the appropriate sentence for each offense is and 2) whether those sentences should be served consecutively – such that the sentence for each offense is served one following the other - or concurrently – such that the sentences are served at the same time. Judges can also choose to add an additional sentence of probation to follow any sentence of jail time, sometimes referred to as a probationary tail. Judges also need to determine whether there is restitution due to any victim, and whether the person convicted has the financial ability to pay any court costs or additional fines. To

² With some exceptions for homicides and certain sex offenses involving minors.

make these subjective determinations the judge relies on information from the advocates, from probation, and from any testimony either as to the impact of the offense on victim or from defense witnesses. The person facing sentencing also has a right to speak to the judge at sentencing. In proceedings where the crimes are serious or the calculations complicated, testimony can come from many sources and can take several days.

We will talk in greater detail about the role of Public Defenders in sentencing in Section III, below, but note that the ethical responsibility for defense counsel is to represent their client zealously to get the best possible outcome they can for their client.³ We leave to the prosecutors to speak more fully about how they see their role across sentencing but add here that the ethical obligations of prosecutors differ from those of Public Defenders. The Comments to Pennsylvania’s Rule of Professional Conduct 3.8, “Special Responsibilities of a Prosecutor,” explain that, “(a) prosecutor has the responsibility of a minister of justice and not simply that of an advocate.” At sentencing, this means that the prosecutor’s job is to advocate for a fair and just sentence that accounts for the totality of the circumstances in any given case. The amount of prison time a prosecutor seeks should not be guided solely by the severity of the crime. In contrast, a defense attorney is ethically obligated to zealously advocate for their client to obtain the least restrictive sentence.

III. The Defense Role in Sentencing

The Sixth Amendment and the Fourteenth Amendments to the United States Constitution guarantee that the state provide an attorney for any person facing criminal prosecution.⁴ The Public Defender is the embodiment of that right. Importantly, the right to counsel includes a right to effective assistance of counsel.⁵ The standard for constitutionally sufficient legal assistance is whether the representation is objectively reasonable given the totality of the circumstances.⁶ The circumstances Public Defenders must consider to be effective at sentencing include: the nature of the offense and the potential sentence under the Sentencing Guidelines; relevant police paperwork and discovery;

³ “The primary duties that defense counsel owe to their clients, to the administration of justice, and as officers of the court, are to serve as their clients’ counselor and advocate with courage and devotion; to ensure that constitutional and other legal rights of their clients are protected; and to render effective, high-quality legal representation with integrity.” ABA CRIMINAL JUSTICE STANDARDS FOR THE DEFENSE FUNCTION: FUNCTIONS AND DUTIES OF DEFENSE COUNSEL § 4-1.2(b) (2017), available at: https://www.americanbar.org/groups/criminal_justice/standards/DefenseFunctionFourthEdition/.

⁴ *Gideon v. Wainwright*, 372 US 335 (1963).

⁵ *Strickland v. Washington*, 466 U.S. 688 (1984).

⁶ *Id.*

investigation of the offense; any viable defenses to the offenses including whether a motion to dismiss the case or suppress evidence might succeed; mitigation testimony; the most persuasive argument to make to the particular judge by whom their client is being sentenced; all relevant rules of Criminal Procedure, Evidence, and Appellate Procedure related to sentencing; any potential immigration consequences or other collateral consequences of the plea and sentence; accurate calculation of guidelines ranges and time credit; and communication with their client across about how all aspects of the case impact the potential sentence the client may face.

Although the vast majority of criminal convictions in Pennsylvania are resolved by guilty pleas rather than at trial,⁷ for a Public Defender to negotiate effectively and to effectively represent a client during the plea process, all of the above considerations still apply. Whether the sentence is agreed-upon or left to the judge's discretion, the public defender must have a strong working knowledge of all relevant circumstances, paying particular attention to the client's mitigation, the circumstances of the case itself, the sentencing forum, and the sentencing guidelines.⁸ To counsel a client adequately whether to plead guilty, a Public Defender must fully understand all circumstances relevant to defending the case. Even when a defense attorney and the prosecution agree on which charges or which sentence a judge should impose following a guilty plea, often referred to as a negotiated plea, a judge might still reject the terms of the plea. In those circumstances, it is up to the lawyers to convince the judge that the negotiated sentence is in the best interest of all involved. Therefore, Public Defenders must always be fully prepared to argue mitigation factors at sentencing, even if a guilty plea is negotiated.

A. PRETRIAL DEFENSE OBLIGATIONS RELATED TO SENTENCING

Although sentencing typically occurs at the end of a case, to be effective, the search for mitigation must start immediately, making sentencing advocacy a part of every stage of a criminal case. For Public Defenders, sentencing advocacy begins when they first get the case, either at arraignment or

⁷ LEGISL. BUDGET & FINANCE COMM. OF PA. GENERAL ASSEMB. (LBFC REPORT), *Pennsylvania Indigent Criminal Defense Fundings and Caseloads*, at 60 (Oct. 2021). The report indicates that from 2018 to 2020 in cases where people were Public Defender clients were convicted, on average 97% were the result of a plea. Note also that, "(f)or each of the three years, on average, indigent criminal defendants were convicted 62.6% of the time."

⁸"Some duties of defense counsel run throughout the period of representation, and even beyond. Defense counsel should consider the impact of these duties at all stages of a criminal representation and on all decisions and actions that arise in the course of performing the defense function. These duties include: . . . a duty to continually evaluate the impact that each decision or action may have at later stages, including trial, **sentencing**, and post-conviction review..." ABA CRIMINAL JUSTICE STANDARDS FOR THE DEFENSE FUNCTION: CONTINUING DUTIES OF DEFENSE COUNSEL § 4-1.3(f) (2017) (emphasis added).

before the preliminary hearing. A client's ability to fight their case and willingness to do so can hinge on whether they are released or held in jail pending the resolution of their case.⁹ Early meetings with clients are the first opportunity a Public Defender has to learn about their client's perspective on what happened that led to their arrest; to gain information about possible defense witnesses and other avenues of investigation; to learn about mitigating factors in their client's life that could impact bail reduction or sentencing; to learn whether their client has unmet mental health, drug addiction, or other poverty-related needs that are best met by community supports; and to start to build trust. *If* their office has an investigator, the Public Defender can ask that the investigator begin early work on defending the case and building mitigation arguments. *If* their office has a social worker, the Public Defender can begin looking for counseling and other community supports to provide services to meet their client's need and to build mitigation. Very few Public Defender offices in Pennsylvania have the resources to hire investigators as part of their staff. Even fewer can hire a social worker.

A Public Defender cannot effectively advocate at sentencing without understanding what the case is 'worth,' which includes a full assessment of the facts and the defensibility of the offense. Without knowing whether there is a viable motion to suppress or dismiss the case, the Defender cannot know whether the case should be negotiated as a guilty plea or not, and even if a judge denies a pretrial motion, the judge may still be influenced at sentencing by the testimony presented during a motion. Of course, individual allegations of any case vary, so Public Defenders must review all police paperwork and other discovery thoroughly to be prepared for both trial and for sentencing. Additional assessment of the case happens through investigation of fact and character witnesses. Pretrial investigation can also yield witnesses to provide mitigation testimony at a sentencing hearing. The Defender must convey the results of all pretrial assessment, investigation, and motions to the client as part of ongoing counseling both for trial and sentencing.¹⁰ Frequently, the judge who presides over any pretrial motions, trial, or

⁹ A recent, fourteen-year long study of defendants in 65 counties across 25 states found that people who are detained pretrial plead guilty 2.86 times faster than those released while awaiting trial, and that as many as 20% of those self-reported pleading guilty when they were not, in fact, guilty to escape detention. Peterson, Nick, "Do Detainees Plead Guilty Faster? A Survival Analysis of Pretrial Detention and the Timing of Guilty Pleas" *Criminal Justice Policy Review*, vol. 31 (2020). Available at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewiQrJL53ar1AhUvaDABHY81AoEQFnoECBoQAQ&url=https%3A%2F%2Fwww.nyapsa.org%2Fassets%2Ffiles%2F0887403419838020.pdf&usg=AOvVaw3TRaDJVPDL3irHIBoVrtnq>.

¹⁰See ABA CRIMINAL JUSTICE STANDARDS FOR THE DEFENSE FUNCTION: CONTINUING DUTIES OF DEFENSE COUNSEL § 4-1.3(d) (2017) ("ome duties of defense counsel run throughout the period of representation, and even beyond. Defense counsel should consider the impact of these duties at all stages of a criminal representation and on all decisions and actions that arise in the course of performing the defense function. These duties include: . . . a duty to

plea will be the same judge who sentences the client. Maintaining client communications and trust are essential through any pretrial proceedings, trial, or plea, so that the client understands what is happening to them and so the Defender can present their client in the most persuasive manner at any sentencing.

One type of potential case resolution relevant to sentencing that Defenders must explore is any opportunity for a sentence that diverts a client from a formal conviction. The opportunities for diversion vary by county, but diversion may either reduce the impact of conviction or avoid a formal conviction altogether if the client meets specific supervision conditions. Often those conditions relate to treatment- for things like mental health issues, drug and alcohol issues, or anger problems. Sometimes those conditions involve community service, informal probation, or paying restitution. Diversionary opportunities in some counties are limited by a lack of community-based treatment options. Some diversion programs are targeted to specific offenses – like drug or prostitution offenses – or specific categories of offenders – like veterans or first-time offenders. A good lawyer cannot decide which sentencing option is in their client’s best interest without exhausting all opportunities to divert the case.

B. DEFENSE ADVOCACY AT THE SENTENCING HEARING

Following any criminal conviction, the Defender utilizes all they learned across pretrial advocacy at the sentencing hearing. Additionally, the Defender reviews and makes corrections to any presentence investigation report prepared by the probation department. At the sentencing hearing, defense counsel presents any relevant mitigating evidence and attempts to minimize consequences for their client. To do so a Public Defender must be prepared to call witnesses; must understand the client’s standard, aggravated, and mitigated ranges in the sentencing matrix; must understand and counter the prosecution’s arguments; and finally, must argue any mitigating factors in a manner designed to be individually persuasive to the judge sentencing their client.

In addition to the advocacy before the judge, the Defender must also fully communicate with their client and answer any questions the client may have about the sentence and post-sentence rights. Such communication includes explaining to the client: the sentence, the consequences of any potential violations of probation or parole, the time credit implications of the sentence, any immigration consequences of the conviction and sentence, any additional collateral consequences of the conviction

communicate and keep the client informed and advised of significant developments and potential options and outcomes.”).

and sentence, the obligations the client has to pay any fines, court costs, or restitution, as well as the client's post-sentence and appellate rights. Sometimes these communications happen either before or at the time of the sentence. Other times, the stress of sentencing will mean that communications need to happen multiple times for the client to fully understand what has happened and what their rights and obligations are going forward.

The Defender's obligations to their client related to sentencing are not complete until the lawyer understands whether the client wants to pursue any post-sentencing motion or an appeal. In most defender offices across Pennsylvania there is no separate appellate attorney or unit. Most Public Defenders in Pennsylvania handle post-sentence motions or appeals for the clients they represented at trial.

There is a lot to know and a lot to do for a Public Defender to be adequately prepared to give ethical, effective assistance of counsel at sentencing. The General Assembly could reform sentencing to make the process more just and to help Public Defenders better do their jobs.

IV. Defense Priorities for Sentencing Reform

Because Public Defenders are such an integral part of sentencing, we are also in a position to respectfully offer some potential areas for sentencing reform. To improve sentencing in Pennsylvania's criminal courts, we ask that the General Assembly fund more community alternatives to incarceration and encourage judges to use such alternative supports and provide funding from the Commonwealth so Public Defenders can effectively represent their clients at sentencing.

A. RESOURCES FOR COMMUNITY SOLUTIONS IN LIEU OF INCARCERATION

All too often, the criminal justice system becomes society's last social safety net, but that does not mean it is an effective place to address poverty, mental health, or drug and alcohol struggles. At least 25% of people in Pennsylvania's state prisons are diagnosed with mental health conditions,¹¹ a third of them severe.¹² The Pennsylvania Department of Corrections (DOC) estimated that 68% of

¹¹ Pennsylvania Department of Corrections Mental Health Services, available: <https://www.cor.pa.gov/About%20Us/Initiatives/Pages/Mental-Health-Services.aspx> (last visited January 12, 2022).

¹² A 2019 PennLive analysis of the Pennsylvania state and county prison system found that 28% of incarcerated people had a mental health diagnosis on an average day.. Of those, "a third of them had a "serious mental illness" - defined as the most chronic and debilitating of mental disorders, like schizophrenia and bipolar disorder." The PennLive statewide analysis found that overall mental health rates averaged closer to 30%. Daniel Simmons-

people in state prison struggle with substance abuse.¹³ While some prisons have some counseling options, prisons are not primarily designed to treat either mental health or drug addiction. Prison programs are limited and often not adequately staffed; and yet, our prisons have become our mental health hospitals and our drug and alcohol facilities by default. Both mental health issues and drug addiction are medical problems,¹⁴ which are not best addressed by an institution primarily designed to warehouse, rather than cure.

Incarcerating people with medical problems is not only an ineffective form of rehabilitation, but it's also expensive. The annual DOC budget is over \$2.7 billion, only for our *state* prison system. Nearly every county has its own county jail, which carries its own cost. Pennsylvania has 67 counties and 8 classes of county. Below is a sample of the annual budgets for *one* county jail from each county class.

CLASS OF COUNTY/# IN CLASS	ANNUAL COST OF ONE COUNTY PRISON OF A COUNTY IN THIS CLASS
1 st (1 County)	\$231,297,334 (Philadelphia)
2 nd (1 County)	\$94,115,468 ¹⁵ (Allegheny)
2A (3 Counties total)	\$53,719,000 (Delaware County)
3 RD (12 Counties total)	\$42,810,104 (Dauphin)
4 th (9 Counties total)	\$10,641,045 (Centre)
5 th (7 Counties total)	\$8,393,422 (Mercer)
6 th (24 Counties total)	\$5,561,175 (Armstrong)
7 th (4 Counties total)	\$3,690,000 (Snyder)
8 th (6 Counties total) ¹⁶	\$969,002.43 (Montour)

Ritchie, Nearly a Third of Pennsylvania's Prisoners are Mentally Ill: PennLive Analysis, PENN LIVE PATRIOT NEWS (Jan. 5, 2019, 1:34 PM), https://www.pennlive.com/midstate/2015/07/pennlive_estimates_that_a_thir.html.

¹³ Katie Colaneri, *Pa. Prisons Offering Inmates Addiction Treatment On Their Way Out, But Is It Enough?*, WHY? July 5, 2017, <https://why.org/articles/pa-prisons-offering-inmates-addiction-treatment-on-their-way-out-but-is-it-working/> (citing *Department of Corrections Secretary Wetzel Participates in White House Substance Abuse Meeting*, CORRECTIONAL NEWSFRONT (Pa. Dep't of Corr.), June 2016, at 13))

¹⁴ Both the National Institute of Health's National Institute of Mental Health (NIMH) and the Diagnostic and Statistical Manual (vol. 5) (DSM-V) recognize substance abuse disorder as a mental disorder, treatable with behavioral therapies and medication. The NIMH notes that about half of individuals with a substance abuse disorder will also experience a co-occurring mental disorder, and vice versa. . NAT'L INST. OF MENTAL HEALTH, SUBSTANCE USE AND CO-OCCURRING MENTAL DISORDERS (2021), <https://www.nimh.nih.gov/health/topics/substance-use-and-mental-health>.

¹⁵ Allegheny County charges every person booked a fee for being booked into the prison. The estimated aggregate revenue that goes to the prison (put another way, that costs people who are already unable to afford bail at arraignment), is \$2million each year.

¹⁶ Several counties of the 8th class save money by not operating a county jail. Instead, they contract out at a per diem rate and incarcerate people from their county at a nearby county's jail. This, of course, also removes the incarcerated person further from any community supports they have in their home county.

Incarcerating people is an expensive way to treat illness. A 2015 study showed that at that time, back when the DOC budget was \$2.15 Billion, the average annual cost per state prison inmate was \$42,727.¹⁷ In contrast, community-based inpatient mental health treatment costs \$10,000 to \$15,000 for a 30-day residential program.¹⁸ Inpatient drug and alcohol treatment averages 6,000 to 20,000.¹⁹ Outpatient options cost even less.

Community-based, treatment options also minimize the damaging collateral consequences of incarceration. When treated in their community, people who are able to work, can keep their jobs. They don't lose housing. Parents, in particular primary caregivers, don't lose contact with and custody of their children. Of course, any one of these significant consequences of incarceration perpetuates the cycle of poverty. The inevitable losses – of employment, of housing, and of family supports - make it more difficult for the person sentenced to successfully reintegrate into society as a productive, functional citizen. Such compounding collateral damage also creates the risk of consigning children to the trauma of generational poverty. This collateral damage of incarceration has a disproportionate impact on Pennsylvanians of color. One estimate found that Black people constitute 11% of the Commonwealth's residents, but 47% of the people in prison.²⁰

While we understand that not every offense is appropriate for community treatment, increasing access to and incentives for sentences focused on community treatment options in lieu of jail will improve the lives of all Pennsylvanians. Treatment options save money, and while increasing the likelihood that people exit the criminal justice system, with an increased capacity to change behavior. We all benefit from a criminal justice system that leaves people better than it found them.

A rehabilitative approach to punishment is only possible if there are community-based options available and if judges are willing to consider them. The need for more community treatment options is particularly acute in rural communities. If community treatment options aren't financially feasible in

¹⁷ Chris Mai and Ram Subramanian, *The Price of Prisons: Prison Spending in 2015*, THE VERA CENTER ON SENTENCING AND CORRECTIONS (May 2017), <https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending>.

¹⁸ "The Rising Cost of Substance Abuse and Mental Health" blog of the Discovery Mood & Anxiety Program, available at: <https://discoverymood.com/blog/cost-of-mental-health-increase/>.

¹⁹ "Cost of Drug and Alcohol Rehab" *Addiction Center*, available at: <https://www.addictioncenter.com/rehab-questions/cost-of-drug-and-alcohol-treatment/>.

²⁰ *Incarceration Trends in Pennsylvania*, VERA INSTITUTE FOR JUSTICE (2022), <https://www.vera.org/publications/state-incarceration-trends/pennsylvania>.

every county, then we urge support from the state for transportation to nearby areas where such options exist. Ideally, though, for a more just system, there should be community-based sentencing alternatives for mental health, drug and alcohol, sex offender, anger management, and other workforce development training available in every county. There should also be incentives and training for judges to encourage them to divert people away from incarceration and toward community-based alternatives.²¹

B. SUFFICIENT RESOURCES TO MEET OUR CONSTITUTIONAL OBLIGATIONS

As noted in Section III above, there is a lot that Public Defenders need to do to be adequately prepared to provide effective assistance of counsel at sentencing. At sentencing, Public Defenders share a role of equal importance to that of the judiciary, the prosecution, and the probation department, but do not receive equal funding.

As previously noted, Pennsylvania spends more than \$2.7 billion annually on its state prisons. It spends \$490.1 million on the Unified Judicial System of Pennsylvania (the courts).²² It will spend over \$8.6 million to pay reimburse counties for salaries of District Attorneys in 2022.²³ For its Public Defenders, it spends... nothing. Pennsylvania and South Dakota are the only two states in the nation that pass off their Constitutional obligation to provide counsel to indigent defendants entirely to the counties.²⁴ Pennsylvania's Public Defender offices are funded to the degree each county prioritizes their services and to the degree each county can fund them. This all too often disadvantages rural communities with a smaller local tax base.

County funding has proved unequal and insufficient. A recent study by the bipartisan, bicameral Legislative Budget and Finance Committee (LBFC Report) showed that some counties spend per capita \$30.20 on the Public Defender services in their county, while other counties spend as little as \$3.20 per

²¹ One such option is the approach taken in House Bill 1885. See H.R. 1885, 205th Gen. Assemb., Reg. Sess. (Pa. 2021, <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=H&type=B&bn=1885>).

²² Unified Judicial System, 2021/22 budget request information, available at: <https://www.pacourts.us/judicial-administration/budget>.

²³ Pursuant to 16 Pa.C.S. §1401, District Attorneys are paid \$1,000 less than what a Court of Common Pleas Judge makes. Pursuant to that same law, Pennsylvania reimburses any county with a full-time district attorney for 65% of that salary. The salary for Common Pleas judges will be \$ 197,119 (with counties with six or more judges earning more). 65% of \$197,199 = \$128,686 x 67 counties = \$8,621,962.

²⁴ *Know Your State, Pennsylvania*, SIXTH AMENDMENT CENTER (2013), <https://sixthamendment.org/know-your-state/>.

capita.²⁵ In 2020 there were four county Public Defender offices with total annual budget expenditures under \$100,000, the lowest being Cameron County, with a total annual expenditure of \$35,559 for its entire Public Defender office.²⁶

Time and again studies have shown that this unequal funding structure for indigent defense in Pennsylvania is insufficient to guarantee that Defenders can provide constitutionally mandated effective assistance of counsel. A decade ago, the Joint State Government Commission on Services to Indigent Criminal Defendants found:

*In many of Pennsylvania's counties, the most brilliant and accomplished lawyer could not provide adequate representation because he or she simply would not have the time and resources needed to mount a constitutionally adequate defense. Broadly speaking, Pennsylvania's indigent defense labors under an obsolete, purely localized system, a structure that impedes efforts to represent clients effectively.*²⁷

This echoed findings from a 2003 report from the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System, which concluded:

*The study reported here . . . indicates that Pennsylvania is generally not fulfilling its obligation to provide adequate, independent defense counsel to indigent persons. Contributing factors include the Commonwealth's failure to provide sufficient funding and other resources, along with a lack of statewide professional standards and oversight.*²⁸

The funding system for Pennsylvania's Public Defender offices has not changed since the report in 2003, nor has it changed since the report in 2011.

Why is this a priority for *sentencing* reform? As we note above in Section III, preparation for sentencing touches nearly every phase of the work a Public Defender does for a client's case. Inadequate resources result in an insufficient number of Public Defenders, each with caseloads well above national standards. Inadequate resources mean Pennsylvania's Public Defenders cannot do the job the Constitution requires them to- including at sentencing.

²⁵ Philadelphia County spends \$30.20 per capita on Public Defender expenditures, while Mifflin County spends \$3.20 per capita. LBFC Report at 34-35, <http://lbfc.legis.state.pa.us/Reports.cfm?ReportID=332>.

²⁶ *Id.* at 32.

²⁷ Joint State Gov't Comm'n, A CONSTITUTIONAL DEFAULT: SERVICES TO INDIGENT CRIMINAL DEFENDANTS IN PENNSYLVANIA, at 3 (2011).

²⁸ Pa. Sup. Ct. Comm. on Racial and Gender Bias in the Justice System, Final Report, at 164-65 (2003), http://www.pa-interbranchcommission.com/_pdfs/FinalReport.pdf.

Adequate funding results in better sentencing advocacy and a more just justice system. It also saves money. A decade-long study of Public Defenders in New York showed that when Public Defenders had sufficient resources to take a holistic approach,²⁹ their representation resulted in nearly 1.1 million fewer days of incarceration, saving New York taxpayers an estimated \$160 million on inmate housing costs alone.³⁰ The New York system is 80% funded by localities, supplemented by 20% of its funding from the state. The statewide funding mechanisms in New York are overseen by a state agency, the Office of Indigent Legal Services, which is governed by a nine-member Indigent Legal Services Board.³¹

V. Conclusion

We add one final note of caution as this testimony concludes. Across this coming year Pennsylvania's Sentencing Guidelines move to the final stages of their revision. Any changes to the Guidelines should preserve judicial autonomy to ensure that each sentence meets the needs of the individuals. Sentencing that focuses primarily on the crime itself is not only unbalanced but ignores that courts are tasked with sentencing whole people and not merely a brief moment in what may otherwise be a complicated history. As a Commonwealth we must guard against adding new crimes or new penalties in a reactionary way. For our sentencing structure to be effective and for our system to be just, we should honor the underlying principles of sentencing- individuality and discretion.

Sentencing is complicated, and, when not done well, costly. That cost is a human one, in wasted opportunities for rehabilitation. Unjust sentencing carries an economic cost, too. Because sentencing touches every step of the criminal case process, its sweeping scope provides sweeping opportunity to implement effective reform. Pennsylvania's Defenders have an important part to play at sentencing and look to be an equal partner in all aspects of the system. We thank the Committee for the opportunity to

²⁹ A holistic approach to criminal defense is one that requires defenders to adopt a broader understanding their work – addressing not only the criminal consequences of the case but also the consequences of involvement in the criminal justice system (e.g., employment loss, public housing, child custody and immigration status) and the underlying circumstances that may drive clients into the criminal justice system in the first place (e.g., drug addiction, mental illness and family instability). Such an approach requires the support of in-house investigators, mitigators, and social workers.

³⁰ James M. Anderson, Maya Buenaventura, & Paul Heaton, RAND CORP., *Holistic Representation An Innovative Approach to Defending Poor Clients Can Reduce Incarceration and Save Taxpayer Dollars — Without Harm to Public Safety*, RAND Corp. (2019), https://www.rand.org/pubs/research_briefs/RB10050.html.

³¹ *Know Your State, New York*, SIXTH AMENDMENT CENTER (2013), <https://sixthamendment.org/know-your-state/>.

provide testimony regarding the sentencing process, the role of Public Defenders at sentencing, and suggested areas of sentencing reform.



Kevin Steele

District Attorney, Montgomery County

PDAA President

House Policy Committee, Subcommittee on Progressive Policies for Working People

January 20, 2022

Judging Justice: The Mechanics of Sentencing

Thank you for the opportunity to speak with all of you this morning. I'm Kevin Steele, the District Attorney of Montgomery County and the current President of the Pennsylvania District Attorneys Association.

Sentencing has many purposes, including deterrence of future crime, rehabilitation of the convicted individual, retribution for the crime committed and incapacitation to keep the individual from committing further crimes. In most instances, these factors are not mutually exclusive. A sentence can simultaneously deter future crime, appropriately incapacitate the individual and allow for rehabilitation in a state prison or a county correctional facility.

In Pennsylvania, we have an indeterminate sentencing system. This means that in virtually every case, an individual receives a minimum sentence and a maximum sentence, which must be at least twice the minimum. Individuals are eligible for parole at the expiration of their minimum sentence. Parole must end at the expiration of the maximum sentence. In some cases, typically when an individual has been convicted of a less violent crime, the individual's minimum sentence is reduced by around 20 percent if the person has complied with Department of Corrections programming and has otherwise followed the rules during incarceration. This reduction, known by the acronym of RRRI (triple R I), is a form of earned time credits for good behavior, and it incentivizes those who are incarcerated to participate in recidivism-reducing programming. The effect of RRRI is that more individuals convicted of less violent

crimes become eligible for parole earlier during their sentence. RRRRI became law, with the support of the PDAA and the Department of Corrections, in 2008.

The ultimate range of a sentence is defined by how a sentence is graded. For example, the lowest level misdemeanor is a third-degree misdemeanor. The very highest sentence an individual could receive for a third-degree misdemeanor is 6 months to 1 year. Unless an individual has an extraordinarily extensive criminal record, that length of sentence will generally not be imposed. Typically, a sentence for a third-degree misdemeanor would be a non-incarceration sentence with a penalty of restorative sanctions or perhaps county probation.

On the other end of the spectrum are first-degree felonies, such as rape. The highest possible sentence for a first-degree felony is 10 to 20 years. In most circumstances, sentences will be for less time, unless the circumstances of the crime or an extensive and violent prior criminal record dictate that range of sentencing. A person convicted of rape who has no prior criminal record history would likely receive a minimum sentence of between 4 and 5.5 years under our Sentencing Guidelines, which I will describe in a moment.

Homicides carry longer sentences. Third-degree murder and attempted murder have a maximum sentencing range of a 20-year minimum and 40-year maximum, while First- and Second-Degree Murder convictions carry mandatory life sentence.

Pennsylvania also has Sentencing Guidelines. Mark Bergstrom will explain the Guidelines in more detail. But generally, the guidelines provide a series of recommended ranges to judges when imposing the minimum sentence. In most cases, the majority of sentence ranges are below the maximum sentences allowable by law. Although these Sentencing Guidelines are voluntary, in any instance where the sentencing judge deviates from the ranges recommended in the guidelines—whether the judge is deviating above or below the recommended ranges—he or she must state the reasons for doing so on the record. Otherwise, the sentence can be overturned on appeal by our appellate courts.

Finally, judges typically have the discretion to decide whether multiple sentences for different charges will run consecutively or concurrently to each other.

Sentencing reform is an issue of mutual interest to many groups and organizations in Pennsylvania, including the PDAA. Pennsylvania has achieved a number of recent successes in this area. As many of you know, we have collectively worked on sentencing reform issues for a decade. In doing so, we have significantly reduced our state prison population while also maintaining public safety, with a limited number of exceptions. In fact, this past October, Governor Wolf announced that the Pennsylvania prison population reached a 20-year low. Two key reasons for this significant reduction were the enactment of the Justice Reinvestment Initiatives in 2012 and 2019.

The salient provision of JRI 1 from 2012 significantly limited the circumstances of when an individual on state parole could be returned to state prison for a parole violation—primarily limiting it to an individual committing a new crime or where a technical violation involved assaultive or sexual behavior, possession of a weapon, an identifiable threat to public safety, absconding, or multiple failures of adhering to a treatment plan. Moreover, if the person did commit such a technical violation, JRI capped the length for which an individual could be returned to prison. When you hear about individuals who must return to state prison for a state parole violation, they have returned only for those reasons.

Former DOC Secretary Wetzel credited a significant amount of the prison population reduction to this provision based on these limits. And Secretary Wetzel was right. Consider that according to the Council of State Governments, Pennsylvania has the 13th lowest proportion of state prison population due to a supervision violation. Just 16% of those incarcerated are in state prisons for supervision violations and, of those, just 5% are for technical violations.

Several years later in 2019, the Justice Reinvestment Initiative 2 was enacted and resulted in further reductions to the prison population. Among the most significant provisions were requiring that individuals who commit less violent crimes be paroled at the expiration of their minimum sentence without having to go through the normal parole process. Another provision expanded the ease with which an individual can be

referred to the State Drug Treatment Program. PDAA participated on both work groups that resulted in these initiatives and supported the legislation that implemented both of them.

Given that Pennsylvania's prison population now stands at a 20-year low, it's instructive to look at how Pennsylvania's rate of incarceration compares with other states. Pennsylvania ranks 25th in the country in terms of rate of prison population, and our rate of incarceration is both lower than the national average and lower than the rates in of our border states of Ohio, West Virginia and Delaware.

The critical goals of sentencing, from incapacitation to rehabilitation, can only be achieved systemwide when there is robust collaboration. Pennsylvania has been able to implement and sustain successful partnerships and efforts that have helped us to contain the violence, apprehend violent offenders and hold them accountable, as well as stand for victims who are entitled to justice. A key aspect of collaboration in our sentencing strategies is working together at the county level. There are many examples across the counties. We have Criminal Justice Advisory Boards or CJABs for short, which bring together many county agencies whose work affects the criminal justice system. In Dauphin County, District Attorney Fran Chardo works tirelessly with the members of his CJAB to improve systems and examine data, including data related to mental health.

District Attorneys also partner with other governmental agencies to implement programs in their county, to reduce recidivism. York County District Attorney Dave Sunday collaborates extensively with the robust York County re-entry coalition to implement successful re-entry programs.

District Attorneys also use proven methods of violence reduction while working with many county stakeholders to keep their communities safe. Delaware County DA Jack Stollsteimer has successfully implemented the Focused Deterrence Program in the City of Chester, resulting in a meaningful reduction in violence there.

District Attorneys employ diversion programs to help those addicted to opioids to quickly receive the treatment they need. About a dozen district attorneys and counties, including my county, have partnered with Attorney General Shapiro on the program called the Law Enforcement Treatment Initiative, which has made a difference in our fight against opioids.

District Attorneys also work with groups outside of their offices to help victims of domestic violence. Lackawanna County District Attorney Mark Powell not only holds domestic abusers accountable, but his domestic violence unit also assists victims with lethality assessments, temporary safe housing, comprehensive protection from abuse orders, trauma counseling services, and accountability of the batterer through referrals to batterer intervention programs.

In Lehigh County, District Attorney Jim Martin has worked tirelessly in the establishment and continued operations of the Lehigh County Regional Intelligence and Information Center (RIIC), which collects and aggregates millions of local police incidents, arrests and records of individuals in order to share with the data since data sharing helps solve violent crimes.

Lancaster County District Attorney Heather Adams just announced the formation of a Human Trafficking Task Force which is a collaboration among local, county, state and federal government with private sector and non-profit organizations whose mission is to combat human trafficking in Lancaster County.

In Centre County, District Attorney Bernie Cantorna's Behavioral Health Diversionary Initiative identifies individuals with serious mental illnesses who are involved with the criminal justice system and redirect them from traditional criminal justice pathways to mental health treatment systems.

In Bucks County, District Attorney Matt Weintraub worked with the University of Pennsylvania Law School's Quattrone Center to begin the process of establishing a mental health court. At the same time he has held numerous screenings in the community and with local police of the movie "Walking While Black: Love is the Answer," a movie that seeks to bring together police and communities.

These are just a few of the efforts that many of our counties are involved in, in an effort to help individuals in their communities. Other counties are engaged in

similar efforts. But the point is our sentencing laws do not exist in a vacuum, just as no aspect of the criminal justice system exists in a vacuum. Whatever punishment is handed down by the court; whatever programs are provided by, encouraged or required by county and state probation and parole; whatever treatment options are made available in lieu of or in addition to sentences is necessarily affected by the scope and quality of collaboration among prosecutors, police, social service agencies, probation and parole officials, commissioners, health and substantive use disorder experts, rape crisis and domestic violence shelters, and others.

An examination of sentencing must also look at rates of recidivism. [A study released in 2021 by the Bureau of Justice Statistics](#) noted that in 2012, 62% of prisoners released across 34 states, which included Pennsylvania, were arrested within three years and 71% were arrested within five years. [In a separate 2021 study by the Bureau of Justice Statistics](#) that also included Pennsylvania, 40% of sampled offenders were re-arrested for a violent crime during the 10-year follow-up period. Data from Pennsylvania may likely be lower than the national data, but this data raises important points about recidivism.

Of late, the General Assembly has enacted some very meaningful improvements to our sentencing laws that focus on domestic violence and sexual exploitation. Most significant was the creation of the crime of strangulation in 2016. Strangulation victims represent some of our most vulnerable populations: spouses or partners in domestic

violence situations, children, the elderly, human trafficking victims and sex workers. Until the law was enacted, it was extremely difficult to arrest and prosecute people accused of strangling their victims. While strangulation is extremely dangerous and can result in unconsciousness within seconds and death within minutes, there is often no visible physical injury. If a victim has been strangled previously, he or she is seven times more likely to become a victim of homicide by the perpetrator who strangled them. Without this proof and prior to the new legislation, prosecutors were often left with a low-level misdemeanor offense that did not reflect the gravity of the crime and left the victim vulnerable to further abuse.

Also significant was the enactment of a law creating the crime of sexual extortion, which was sponsored in the House by Leader McClinton. Such a law was needed because Pennsylvania's current extortion law was insufficient in holding perpetrators accountable for the simple reason that it was written before the proliferation of sexual extortion, the internet, the cloud or the web.

I am particularly proud of the law that created a sentencing enhancement when crimes of domestic violence are knowingly committed in front of a child living in the same household. The short-term consequences of a child witnessing this violence includes increased anxiety, depression, low self-esteem, aggression, difficulty concentrating, social isolation and lack of empathy. The long-term consequences are similarly troubling.

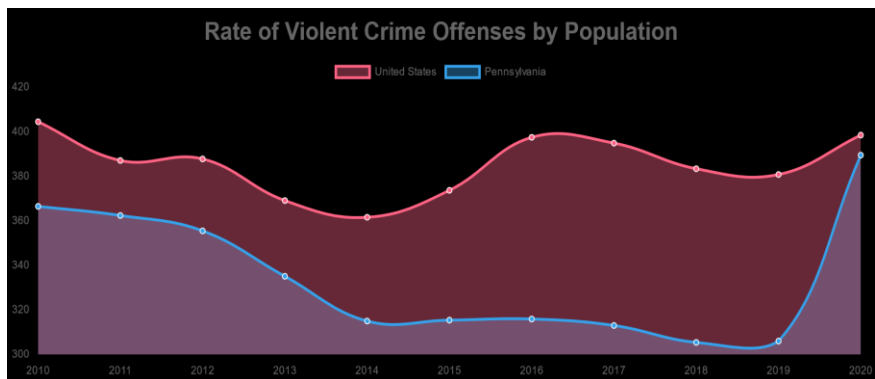
The issue of gun trafficking reflects many of the issues we have talked about this morning. Solving gun trafficking cases requires cooperation among law enforcement agencies, specifically prosecutors and police. It requires access to evidence, sometimes involves the good work of the Attorney General's Office and our federal counterparts, and necessitates good and dedicated prosecutors to put the cases together. Solving these cases requires appropriate sentences because people know that there are significant consequences involved with illegal gun trafficking. It also requires outreach and community involvement, so individuals know how serious we are about these crimes. Finally, for some who are involved, especially certain straw purchasers, robust support systems and re-entry programs to help them get back to leading productive lives will reduce the likelihood of re-offense.

What should we be doing so that we do not have to sentence as many individuals who are sentenced now? We should be investing—investing in treatment options, including long-term treatment for substance use disorder; investing in more local programs to address those with mental health challenges; investing in robust re-entry programs; and investing in additional treatment courts. We should also be investing in helping victims of sexual assault and domestic violence, so we can break the cycle of violence and help not only the victims but their families who also suffer from those who perpetrate these horrific crimes. We also need to continue to invest in

Pre-K, acknowledge the link between exposure to lead and crime, and understand the connection between physical environment and crime.

Let me share one example with you. In Montgomery County, we have begun a program called The Choice is Yours. Vice President Kamala Harris modeled the program when she was the District Attorney in San Francisco, and it was ultimately implemented in Philadelphia more than a decade ago. In Montgomery County, as in these other jurisdictions, the program targets individuals who are arrested for selling drugs, but they must be non-violent and a low-level drug dealer. They are diverted out of the criminal justice system before a sentence is imposed. A range of services, through JEVS, is provided to these individuals, including one-on-one case management; individualized service plans; access to skills training, basic education services, job search assistance and job placement assistance; and community service placements. The success rate has been remarkable. But this program is not cheap. It requires a significant infusion of funds in order to provide all the wrap-around services. The program in Philadelphia receives funding in the annual state budget because the program requires such a significant amount of money to operate. The Choice is Yours demonstrates that investing in these types of programs works. Investing in programs reduces recidivism and makes communities safer. But it requires a significant infusion of funds.

Finally, I am also here to say that we must hold those who commit crimes accountable. No state reported a greater year-over-year increase in violence than Pennsylvania. Driven by spikes in aggravated assault and homicide, Pennsylvania's violent crime rate climbed 27.1% from 2019 to 2020.



Source: [FBI Data](#), 2021 Publication

Any changes to punishment and sentencing of criminal behavior must strike the right balance between public safety and providing a pathway back into society for an individual. Similarly, balancing public safety with reform does not mean we should ignore serious perpetrators who damage the lives of victims and jeopardize the well-being and safety of our communities. Just as we all did with the JRI initiatives, any changes to the law should always distinguish between those offenders who seek to earn the opportunity to be reintegrated back into society and those who would further victimize the innocent.

This is not an endorsement of the imposition of harsh or unnecessary sentences. This is an endorsement of a hands-on, thorough approach to improving public safety,

which Pennsylvania needs. This approach includes what we have talked about this morning: rehabilitation, deterrence, investment in treatment options, incapacitation, new programs to reduce recidivism, and ultimately, close collaboration in each and every community.

Thank you for inviting me to this hearing and for allowing me to share the perspective of the District Attorneys across the Commonwealth.



**Written Statement of Maria Goellner, Esq.
Pennsylvania State Policy Director, FAMM
Virtual Public Hearing Before the House Democratic Policy Committee
January 20, 2022**

Extreme sentences do not increase public safety; they waste taxpayer dollars, and devastate families emotionally, psychologically, and financially.

I thank Chairman Bizzarro, Leader McClinton, and the [members of the Pennsylvania House Policy Committee](#) for considering this statement regarding the impact of harsh sentencing. FAMM applauds the House Democratic Policy Committee for asking what more we can do about the harm of extreme sentencing to families.

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Thousands of Pennsylvanians support FAMM. Our members include people from all walks of life, including Pennsylvanians with incarcerated loved ones and Pennsylvanians returning home from prison, who recognize that our sentencing and prison practices are not working. Many of our families have suffered from both incarceration and crime. These experiences are not mutually exclusive.

Too many people in Pennsylvania are serving long prison terms that don't make communities safer. People who do not pose a risk to public safety languish in prison for decades because Pennsylvania's laws don't give them a second chance. We must immediately take legislative action to begin to remedy Pennsylvania's decades-long addiction to extreme sentencing.

Our Commonwealth's fixation on extreme sentencing is a high-cost, low-value proposition for taxpayers. There is no evidence that severe sentencing policies discourage people from choosing to engage in crime. Harsh sentences are not necessary for preventing recidivism, because the vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they age and mature. For example, of the 174 Philadelphia juvenile lifers – all originally convicted of homicide – who were resentenced and released following landmark U.S. Supreme Court decisions, only two (1.1%) had been reconvicted of any offense as of 2020.

FAMM recently issued a report, [Time for Justice: The Urgent Need for Second Chances in Pennsylvania's Sentencing System](#), that outlines our current crisis. We found that Pennsylvania's prison population has been shaped by some of the harshest sentencing policies in the country. In 2019, Pennsylvania imprisoned more than seven times the number of people than it did in 1970. That growth was driven by punitive policy choices, not increases in crime, and *it did not make Pennsylvania safer*.

Pennsylvania is a national leader in imposing extreme sentences. This ranking is driven largely by two laws: the mandatory minimum sentence of life imprisonment required for first- and



second-degree murder, and the denial of parole eligibility to anyone serving a life sentence. In Pennsylvania prisons, 13.4% of people are serving life without parole (LWOP), compared to only 3.6% nationally. The population serving extreme sentences in Pennsylvania has surged over the last few decades. There were more than nine times as many people serving extreme sentences in 2019 than there were in 1980.

Pennsylvania's extreme sentencing practices have overwhelmingly impacted people of color, especially Black people, who make up less than 11% of Pennsylvania's population but 65% of people serving life sentences and 58% of those serving non-life sentences of 20 years or longer. Pennsylvania's extreme sentencing practices have created a large (and growing) elderly prison population, which increased thirtyfold from 1979 to 2019.

Based on average incarceration costs, the Pennsylvania Department of Corrections (DOC) is spending \$220 million per year to incarcerate 3,892 people who have already served at least 20 years. The true cost is undoubtedly higher, because incarceration costs increase dramatically as people age and need more medical care. The average cost for incarcerated individuals in skilled or personal care units is \$500 per day (or \$182, 625 per year), more than three times the cost for the general population.

Extreme sentences are often unjust, excessive, and imposed without considering individuals' level of culpability or other mitigating factors. Mandatory LWOP deprives judges of the opportunity to make individualized sentencing decisions that consider all important facts of a case, including one's family background and present circumstances. Nearly half of those serving LWOP were under age 25 at the time of the crime. That means that their brains were still developing and their level of culpability was diminished but that they will generally spend more time in prison than people who were older. More than 2,000 people incarcerated in Pennsylvania have spent more time in prison than the amount of time *that they were alive* prior to their crime.

Existing release mechanisms fail to remedy extreme sentences. Parole grant rates have declined since the 1970s and early 1980s, and Pennsylvania is 1 of only 7 states that denies parole eligibility to all lifers. The lifer population is the population that most needs parole – and the population that will generate the most cost savings to taxpayers if given the opportunity for parole. [Pennsylvania's law allowing for release of incarcerated people with terminal medical conditions](#) is extremely narrow, procedurally cumbersome, and hardly used. Pennsylvania does not have a geriatric release mechanism.

Commutations, the only way that people serving life sentences can leave prison alive, used to be common but have become rare. That is in part due to the requirement that for lifers, the Board of Pardons must unanimously vote in favor of clemency for an application to be sent to the governor. And clemency alone will never be sufficient to address all excessive sentences doled out in Pennsylvania in the era of mass incarceration.

What can lawmakers do? We urge you to implement the reforms listed below as soon as possible, to stop the crisis of family and fiscal harm occurring in our Commonwealth as the result of decades of extreme sentencing.

FAMM Legislative Recommendations:

- Repeal and modify mandatory LWOP sentences.
See [SB 135](#); [SB 835](#).
- Expand opportunities for all people serving extreme sentences to demonstrate their rehabilitation and earn release.
- Expand medical release and create geriatric release.
See [co-sponsor memo by Rep. Kail](#); [SB 835](#).
- Eliminate the \$5 medical copay in Pennsylvania state prisons and county jails.
See [HB 1753](#); [co-sponsor memo by Sen. Bartolotta](#).
- Make all sentencing reforms retroactive.
- Eliminate the requirement that the Board of Pardons must unanimously vote in favor of clemency before the application can be sent to the governor.
See [HB 1719](#); [SB 694](#).
- Oppose the return of mandatory minimums, *e.g.* [HB 1587](#); [HB 1590](#).
- Reinvest savings resulting from decarceration in reentry and trauma services.
- Include data collection and reporting requirements in all reforms to monitor and address any disparities that may arise.

Extreme sentences harm families, communities, and the economy. They devastate families emotionally, psychologically, and financially. Many of you and your constituents have been personally impacted by the incarceration of loved ones. Shame, stigma, and lack of access may keep many of your constituents from speaking up about their family's experience with incarceration. With 1 in 2 adults in the United States experiencing incarceration in their families, there is no doubt that your constituents are suffering from the issues discussed today.

What is the harm? To the families we talk to every day, it is incalculable. Ask yourself, what is the value of all the times you hugged your father over the course of your life? What is the value of sitting by your loved one's bed as they lay sick or dying? What is the value of a mother consoling her children and wiping away their tears? Imagine not being able to touch, hug, have a simple meal, or run errands with your loved one. You cannot see them at will, or call and tell them about family emergencies, illnesses, or daily triumphs and challenges. If it's your spouse, imagine that you can never share a bed again, or bear and parent children. Consider that you lose all of the loved one's current and future income to your family – which may consist of your household's entire earnings, or a significant portion of it. You lose the love one's labor in caring for your children and sick or elderly relatives.

Your entire life is fundamentally changed by your family member's imprisonment, and the quality of that life is reduced. Incarceration is living torture to families of the people incarcerated. I regularly speak to mothers, fathers, sisters, brothers, husbands, wives, and children in *extreme distress* over the multi-faceted separation from their loved ones. Families "do the time" with their loved ones, and what they lose is priceless.

Further, consider the worry and stress in other areas of your life. You may have to provide explanations for the loved one's absence to your children, friends, teachers, supervisors, co-workers, coaches, and more. Your answers may subject your family to shame, stigma, bullying, and general loss of social capital. You will mentally and emotionally worry about the conditions in which your loved one is incarcerated. Who else is there? Is your loved one safe? Who is their cellmate or on their block? Will they be sexually assaulted in prison? Will someone hurt them? Are they getting appropriate medical care for their chronic condition or the new illness that has sprung up? Are they getting their nutritional and dietary needs? Is their mental illness being treated or even considered? How will the family survive this?

Families also face significant financial hardship from incarceration, and this is quantifiable. In addition to losing someone who is often a significant source of income or family labor, families must now pay for access to their loved one. People are often placed in prisons far away from home, and Pennsylvania is a big state. Many families are completely unable to physically or financially travel hours away to visit their loved ones, which requires money, reliable transportation, time off work, substitute care for children and other loved ones, hotel lodgings, meals out, etc. If they can do it, they are the ones to pay for it.

Additionally, the Commonwealth of Pennsylvania charges the people it incarcerates for basic human amenities, like telephone calls and emails with one's children and family, extra blankets, shoes, supplemental food, and a \$5 copay for medical services. All of this is while the wage for incarcerated people starts at \$0.19/hour, assuming someone is able to work and a job is available. The reality is that families bear the brunt of these costs and suffer because of them.

If you care about the safety and health of the people of Pennsylvania, consider that trauma begets trauma and harm begets harm. With over [36,000](#) people incarcerated right now in Pennsylvania state prisons, the harm to the fabric of Pennsylvania families is extensive and will not disappear overnight, nor will it produce peace and wellbeing at an individual, family, or community level.

We are ready and willing to work with you on legislative drafting, testimony, data and story gathering, events, and more. We encourage all lawmakers to visit with people serving extreme sentences in Pennsylvania prisons and we are happy to facilitate this. Thank you for considering our views. For more information, contact Maria Goellner, Esq. at mgoellner@famm.org or (717) 945-9089.



FAMMM

Families for Justice Reform

TIME FOR JUSTICE

**THE URGENT NEED FOR SECOND CHANCES
IN PENNSYLVANIA'S SENTENCING SYSTEM**



For more information, contact:

FAMM
1100 H Street NW, Suite 1000
Washington, D.C. 20005

(202) 822-6700

famm@famm.org
www.famm.org

 **@fammfoundation**
 **/FAMMFoundation**
 **@fammfoundation**

This report was written by Emily Bloomenthal, Director of Research at FAMM, with support from Vice President of Policy Molly Gill and Pennsylvania State Policy Director Maria Goellner. The stories throughout the report were written by Ann Espuelas.

FAMM is a national nonpartisan advocacy organization that seeks to create a more fair and effective justice system that respects our American values of individual accountability and dignity while keeping communities safe.



Executive Summary

Too many people in Pennsylvania are serving long prison terms that don't make communities safer. People who do not pose a risk to public safety languish in prison for decades because Pennsylvania's laws don't give them a second chance. This report, which focuses on people serving minimum sentences of 20 years or longer, looks at the harms and injustices of extreme sentences in Pennsylvania, as well as opportunities for reform.

Key findings:

Pennsylvania's prison population has been shaped by some of the harshest sentencing policies in the country.

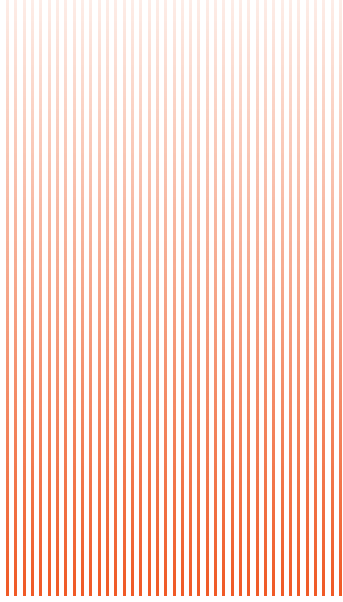
- In 2019, Pennsylvania imprisoned more than seven times the number of people that it did in 1970. That growth was driven by punitive policy choices, not increases in crime, and it did not make Pennsylvanians safer.
- Pennsylvania is a national leader in imposing extreme sentences. This ranking is largely driven by two laws: the mandatory minimum sentence of life imprisonment required for first- and second-degree murder, and the denial of parole eligibility to anyone serving a life sentence. In Pennsylvania prisons, 13.4% of people are serving life without parole (LWOP), compared to only 3.6% nationally.
- The population serving extreme sentences in Pennsylvania has surged over the last few decades. There were more than nine times as many people serving extreme sentences in 2019 than there were in 1980.
- Pennsylvania's extreme sentencing practices have overwhelmingly impacted people of color, especially Black people, who make up less than 11% of Pennsylvania's

population but 65% of people serving life sentences and 58% of those serving non-life sentences of 20 years or longer.

- Pennsylvania's extreme sentencing practices have created a large (and growing) elderly prison population, which increased thirtyfold from 1979 to 2019.

Pennsylvania's extreme sentences are a high-cost, low-value proposition for taxpayers.

- Researchers have found no evidence that severe sentencing policies discourage people from choosing to engage in crime.
- Extreme sentences are not necessary for preventing recidivism, because the vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they age and mature. For example, of the 174 Philadelphia juvenile lifers – all originally convicted of homicide – who were resentenced and released following landmark U.S. Supreme Court decisions, only two (1.1%) had been reconvicted of any offense as of 2020.
- Based on average incarceration costs, the Pennsylvania Department of Corrections (DOC) is spending \$220 million per year to incarcerate 3,892 people who have already served at least 20 years. The true cost is undoubtedly higher, because incarceration costs increase dramatically as people age and need more medical care.
- The average cost for incarcerated individuals in skilled or personal care units is \$500 per day (or \$182,625 per year), more than three times the cost for the general population.



Extreme sentences harm communities, families, and the economy.

- Extreme sentences deprive the community of valuable human resources. Many people serving extreme sentences could be productive economic assets in their communities if released and could play important roles in community violence intervention.
- Extreme sentences devastate families emotionally, psychologically, and financially, and contribute to poverty.

Extreme sentences are often unjust, excessive, and imposed without considering individuals’ level of culpability or other mitigating factors.

- Mandatory LWOP deprives judges of the opportunity to make individualized sentencing decisions that take into account all important facts of a case.
- Nearly half of those serving LWOP were under age 25 at the time of the crime. That means that their brains were still developing and their level of culpability was diminished but that they will generally spend more time in prison than people who were older. More than 2,000 people incarcerated in Pennsylvania have spent more time in prison than the amount of time *that they were alive* prior to their crime.

Existing release mechanisms fail to remedy extreme sentences.

- Parole grant rates have declined since the 1970s and early 1980s, and Pennsylvania is 1 of only 7 states that denies parole eligibility to all lifers. The lifer population is the population that most needs parole – and the population that would generate the most cost savings to taxpayers if given the opportunity for parole.
- Commutations, the only way that people serving life sentences can leave prison alive, used to be common but have become extremely rare. That is in part due to a requirement that for lifers, the Board of Pardons must unanimously vote in favor of clemency for an application to be sent to the governor. And clemency alone will never be sufficient to address all excessive sentences doled out in Pennsylvania in the era of mass incarceration.
- Pennsylvania’s law allowing for release of incarcerated people with terminal medical conditions is extremely narrow, procedurally cumbersome, and hardly used. Pennsylvania does not have a geriatric release mechanism.

Recommendations:

- Repeal and modify mandatory LWOP sentences.
- Expand opportunities for all people serving extreme sentences to demonstrate their rehabilitation and earn the opportunity for release.
- Expand medical release and create geriatric release.
- Make all sentencing reforms retroactive.
- Eliminate the requirement that the Board of Pardons must unanimously vote in favor of clemency before a lifer’s commutation application can be sent to the governor.
- Reinvest savings resulting from decarceration in reentry and victim services.
- Include data collection and reporting requirements in all reforms to monitor and address any disparities that may arise.



Time for Justice

The Urgent Need for Second Chances in Pennsylvania's Sentencing System

"The idea of redemption saved me. It saved me from this narrowly defined existence of us vs. them, of vengeance masquerading as justice. The right to redeem oneself has become as precious to me as the right to live free, because the idea of redemption has awakened in me this incredible sensitivity to a harm that, without my actions, could not exist in the world. It has awakened in me this burning desire to right my wrongs and to give back to the community that I so selfishly have taken so much from."

– Terrell Carter, Northwestern University Law Review¹

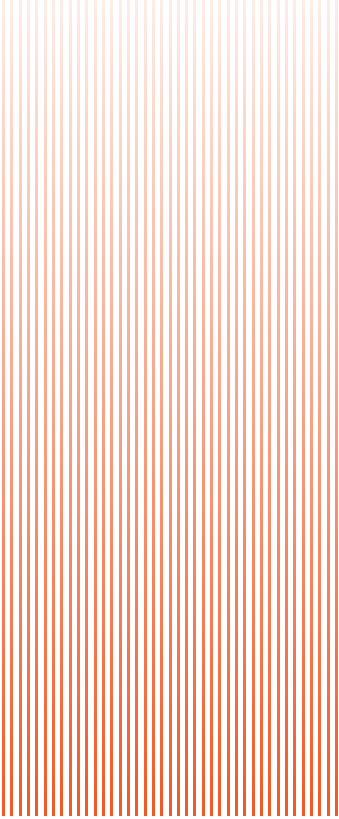
Terrell "Rell" Carter, a loving father and grandfather, is a published poet of three books, including *Guilty Reflections* and *Incarceration of Tears: A Journey of Transformation and Redemption*. He is a co-founder of Right 2 Redemption, which offers support to people in prison and returning citizens, and works to end gun violence in communities.

For Rell, the theme of redemption is very personal: He's currently serving life without parole himself. Nearly 30 years ago, 22 years old and fighting addiction, Rell shot and killed someone. He was convicted of second-degree murder.

Early in his incarceration, he turned to writing for healing and relief. The shift in thinking that followed has meant that his years behind bars have been filled with personal accountability and deep reflection.

Thousands of other people have similarly matured, grown, and changed during lengthy prison sentences. Yet, Pennsylvania laws do not give them a meaningful chance to have their sentences reconsidered and, if appropriate, reduced or modified. If Pennsylvania wants its criminal justice system to be fair, use taxpayer dollars wisely, and make the public safer, it must give people like Rell the opportunity for a second chance. This report, which focuses on people serving minimum sentences of 20 years or longer, looks at the harms and injustices of extreme sentences in Pennsylvania, as well as opportunities for reform.

For more than three decades, Pennsylvania policymakers have put off addressing the ever-growing consequences of the state's extreme prison sentences, costing the state hundreds of millions of dollars each year and causing an immeasurable level of harm to families and communities. Reform is needed *now*.



“The idea of redemption saved me.”

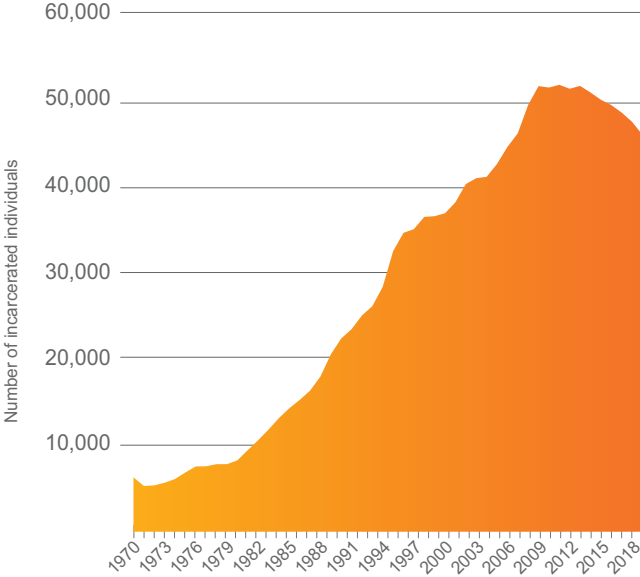
– Terrell “Reil” Carter

Pennsylvania’s extreme sentences and growing prison population

Pennsylvania’s prison population exploded during the 1980s and continued to skyrocket through the early 2000s. In 2019, Pennsylvania imprisoned more than *seven times* the number of people that it did in 1970. The increased incarceration was not due to increased crime, because Pennsylvania’s crime rate began dropping at about the same time that the prison population began rapidly increasing.³ Nor was the crime decline due to more incarceration; between 75% and 100% of the drop in crime since the 1990s is attributable to factors other than incarceration, such as increased graduation rates, employment, and wages, as well as changes in policing strategies.⁴ Moreover, researchers have consistently found that increasing incarceration has no impact on violent crime.⁵ The lack of connection between incarceration and crime is further illustrated by the fact that crime continued to drop in Pennsylvania even as the prison population was reduced in recent years.

Instead, increasingly punitive policy choices drove the massive growth in Pennsylvania’s prison population. Not only did more people enter prison, but an increasing number of them were given very long sentences. On the back end, pathways for release from prison dried up as the use of parole and commutations declined. Prisons filled with people staying longer and growing older. In fact, the number of elderly individuals serving lengthy sentences has continued to increase even as the overall prison population has declined.

Staggering Growth in Pennsylvania’s Prison Population



Black, elderly, and in for decades: How Pennsylvania's extreme sentencing practices shape the prison population

Pennsylvania is a national leader in imposing extreme sentences. This is largely driven by two laws: the mandatory minimum sentence of life imprisonment required for first- and second-degree murder, and the denial of parole eligibility to anyone serving a life sentence. Pennsylvania is one of only seven states to categorically deny parole eligibility for lifers.⁶ In Pennsylvania prisons, 13.4% of people are serving life without parole (LWOP), meaning almost without exception that they will die in prison absent commutation from a sitting governor.⁷ In comparison, only 3.6% of people in prison nationally are serving LWOP.⁸ Pennsylvania has the second-largest LWOP population in the U.S. and the third-highest percentage of its prison population serving LWOP.⁹ It also has the third-largest population in the U.S. of people serving "virtual" or "de facto" life sentences of 50 years or more.¹⁰

The population serving extreme sentences in Pennsylvania has surged over the last few decades. In 1980, just 848 people were serving LWOP statewide, and 83 people had minimum sentences that were 20 years or longer.¹¹ By 2019, 5,447 people were serving life without parole sentences, and an additional 3,226 had minimum sentences that were longer than 20 years.¹² In total, there were more than nine times the number of people serving extreme sentences in 2019 than in 1980. Notably, the number of people serving extreme sentences has continued to grow even as the overall prison population has decreased. As a result, the proportion of the prison population serving extreme sentences nearly doubled, from 11% in 1980 to 19% in 2019.

MANY WARNINGS BUT NO ACTION

For decades, policymakers have warned of the need to address extreme sentences:

1985: "The present influx of inmates serving a life sentence and their length of stay are concerns of administrators within the Department of Corrections."¹

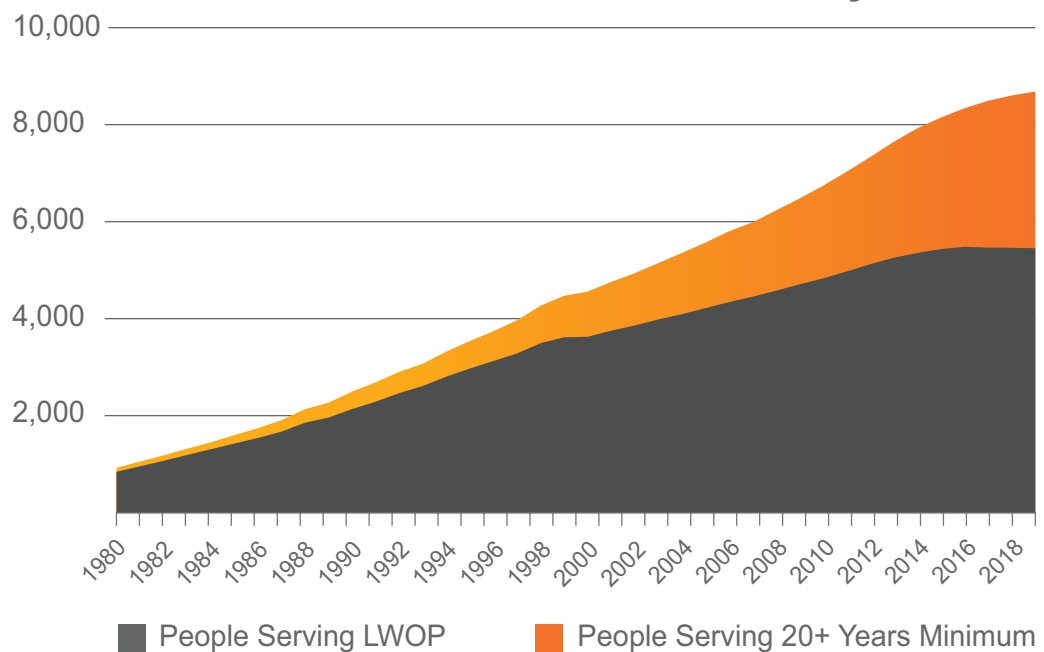
— Pennsylvania Department of Corrections

2002: A Joint State Government Commission task force recommended creating parole for the geriatric and lifer prison population.² The task force's recommendations were never adopted, and the number of aging people serving long and costly sentences continues to grow every year.

1 Bernard II, L.T. (1985). *Statistical Report for the Years 1980-1985*, Pennsylvania Department of Corrections, at 20. <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Old%20Statistical%20Reports/1980-85AnnualReport.pdf>.

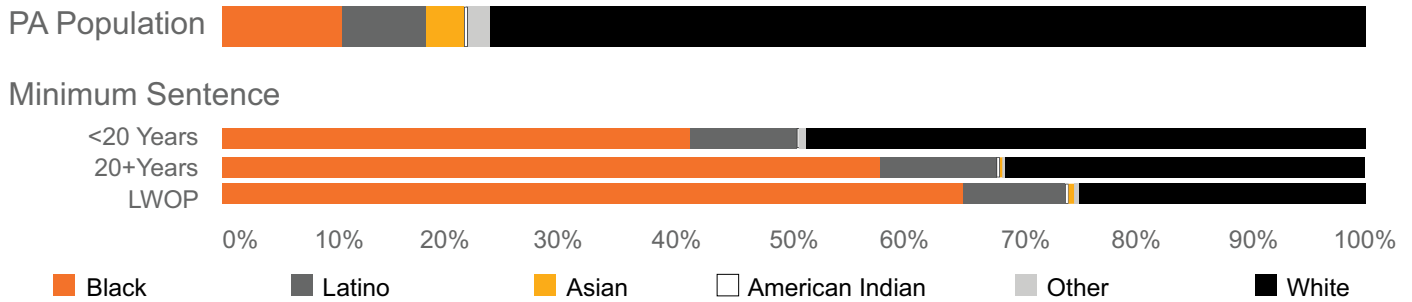
2 Joint State Government Commission Task Force on Geriatric and Seriously Ill Inmates (2005), *Report of the Advisory Committee on Geriatric and Seriously Ill Inmates*. <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2005-40-inmates%20report.pdf>.

Growth of Extreme Sentences in Pennsylvania



Pennsylvania's extreme sentencing practices have overwhelmingly impacted people of color, especially Black people. Black people are vastly overrepresented in Pennsylvania prisons: They make up less than 11% of Pennsylvania's population¹³ but 46% of Pennsylvania's prison population. However, their overrepresentation is *even greater* among those serving the longest sentences: 65% of people serving life sentences are Black, as are 58% of those serving non-life sentences of 20 years or longer. In contrast, white people account for 76% of Pennsylvania's population, but only one-quarter of the people serving life sentences and 31% of those serving non-life sentences of 20 years or longer.

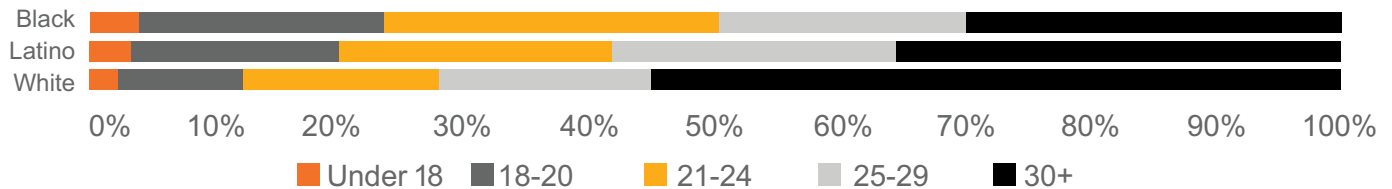
Minimum Sentence Length by Race Compared to Overall Pennsylvania Population



Compared to white people, Black people in Pennsylvania are 18.5 times more likely to be sentenced to life and 13.6 times more likely to be serving minimum non-life sentences of 20 years or more. Latino people are 3.6 times more likely than white people to be either serving LWOP or minimum sentences longer than 20 years.¹⁴

Black and Latino people serving extreme sentences also tend to have been younger¹⁵ at the time of the crime than white people serving extreme sentences. This means that they will typically spend longer in prison for conduct that occurred when their brains were less developed and when they could have been considered less culpable than older counterparts.

Estimated Age at Time of Crime by Race for People With Minimum Sentence of 20+ Years



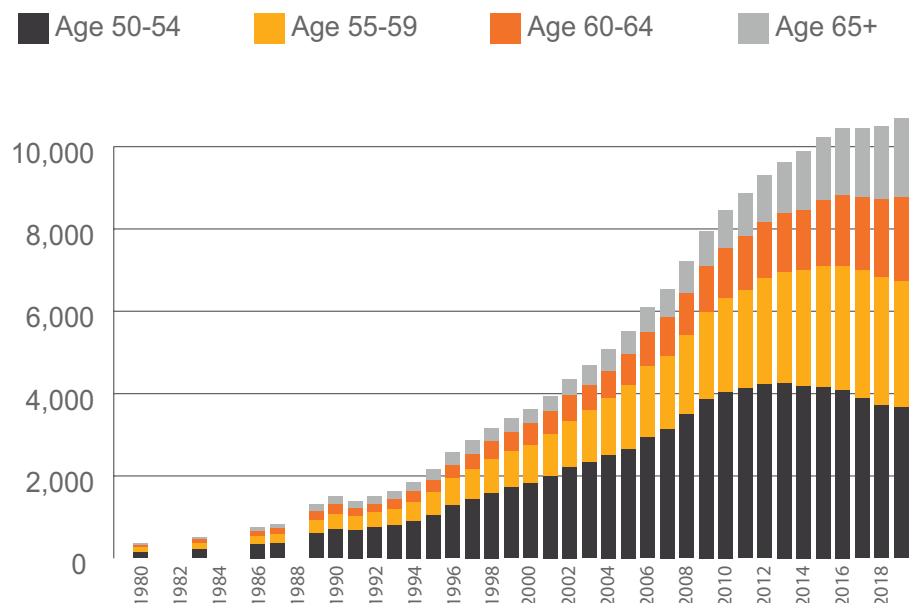
Revisiting extreme sentences is therefore an important step toward addressing racial disparities in the criminal justice system.

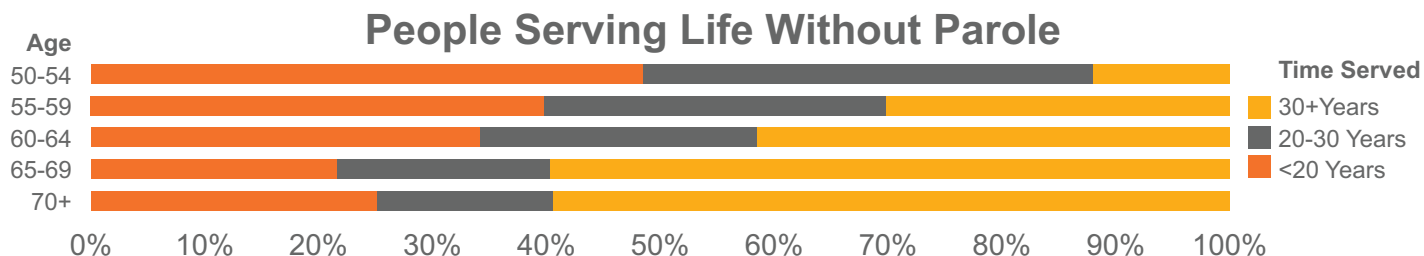
Pennsylvania's extreme sentencing practices have created a large (and growing) elderly prison population.

The number of people in Pennsylvania prisons who are over age 50 has skyrocketed. In 1979, Pennsylvania prisons held 351 individuals age 50 or over.¹⁶ As of 2019, that number had grown to 10,706, a *thirtyfold increase*.¹⁷ One-quarter of those now in prison are 50 years or over, compared to only 4% in 1979.¹⁸

Many of these older individuals are in prison for crimes committed decades ago and are very different people today than they were at the time of the crime. This is particularly true for lifers who are age 50 or over: 82% have been in prison for at least 20 years, and about half for at least 30 years.

Pennsylvania's Growing Geriatric Prison Population





Extreme sentences: High cost, low value for taxpayers

Extreme sentences do not make communities safer: They do not deter people from choosing to engage in crime, and they waste limited community resources on incarcerating people well past the period in which they present a public safety risk.

Researchers have found no evidence that severe sentencing policies discourage people from choosing to engage in crime.¹⁹ People are not generally even aware of the potential penalties for specific crimes or of the length of sentences actually imposed, so harsh punishments are not an effective approach for deterring crime. In 2009, for example, the Pennsylvania Commission on Sentencing studied mandatory minimums and found that only one in three Pennsylvanians could name a crime that carried a mandatory minimum sentence.²⁰ It is the certainty of punishment, not the length of punishment, that deters crime.²¹

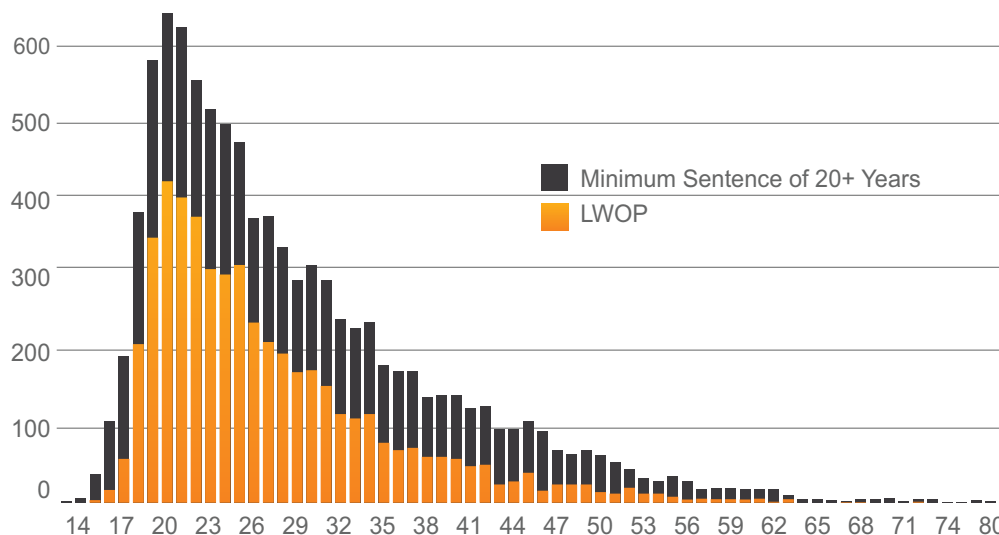
Extreme sentences are not necessary for preventing recidivism, because the vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they age and mature. Young people’s brains continue to develop through their mid-20s, particularly the prefrontal cortex, which is responsible for the ability “to exercise good judgment when presented with difficult life situations.”²² Young people are therefore more impulsive and susceptible to peer influence than older adults and less able to inhibit

inappropriate behavior, manage intense emotions, and fully consider consequences of their behavior.²³ Consequently, criminal activity peaks during the late teen years and early 20s. In fact, breaking the law is normal behavior during this period: In self-reporting surveys, *most* adolescents report having done so.²⁴

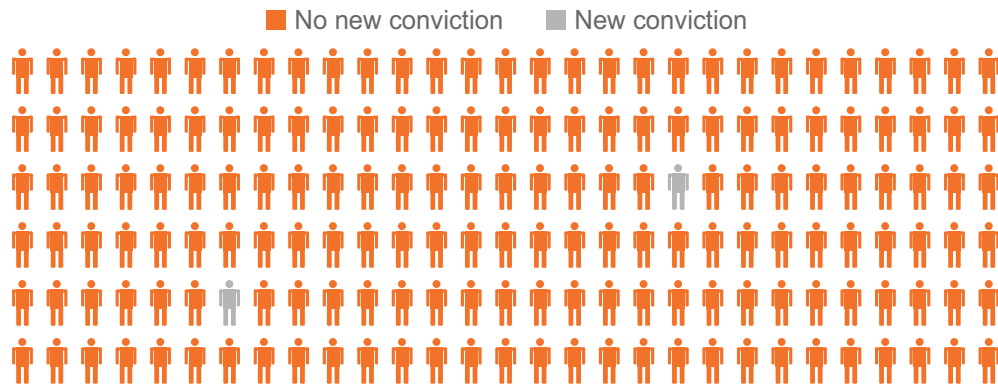
Fortunately, people grow and change. As people age, they become less and less likely to engage in crime.²⁵ Arrests drop steeply by the early 30s. Almost three-quarters of arrests are of people below age 40; fewer than 4% are of people age 60 or over.²⁶ Consistent with these findings, most people serving extreme sentences in Pennsylvania were young at the time of the crime.

Recidivism rates decline dramatically as people age, including for those convicted of violent offenses, who are often found to be *less* likely to reoffend after release from prison than those with other offenses.²⁷ In one study, only 4% of people convicted of violent crimes released between ages 45 and 54, and 1% released at age 55 or older, were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively.²⁸ In comparison, when looking at the full Pennsylvania prison population, 43% to 49% of individuals released between 2000 and 2008 were reincarcerated within three years.²⁹

Estimated Age at Time of Crime for People Serving 20+ Years



Released Philadelphia Juvenile Lifers



The low risk of recidivism for people convicted of serious crimes who have served long sentences is illustrated by the 174 juvenile lifers in Philadelphia – all originally convicted of homicide – who were resentenced and released following landmark U.S. Supreme Court decisions. After they had been in the community for an average of 21 months, only two (1.1%) had been reconvicted of any offense.³⁰ Similarly, as of 2005, of the 285 (primarily adult) Pennsylvania lifers who had their sentences commuted and were released on parole, only seven had returned to prison for any new crime, and of the 99 who were over age 50 at the time of release, only one had returned to prison for a new crime.³¹

Case studies from other states echo these findings. For example, in Maryland, 188 people serving life without parole (mostly for murder or rape) were released after serving 30-plus years because a court found that there had been constitutional errors in their trials. Six years later, only five (2.7%) had returned to prison for violating parole or committing a new crime.³²

Extreme sentences are exorbitantly expensive. Based on the average annual cost of \$57,230 per person in DOC custody in 2018-2019,³³ DOC is spending \$220 million per year to incarcerate 3,892 people *who have already served at least 20 years*. The true price tag is undoubtedly substantially higher.

Incarceration costs increase dramatically as people get older because of their increased need for medical care. The average cost for incarcerated individuals in skilled or personal care units is \$500 per day (or \$182,625 per year),³⁴ more than three times the

cost for the general population. Even when older individuals do not require that level of care, their incarceration still tends to cost more than their younger counterparts' due to higher prescription drug costs, more frequent visits to outside medical providers, and other increased needs. Plus, due to factors such as inadequate medical care prior to and during incarceration, substance use disorder, and the stress of being in prison itself, the aging process is typically accelerated for incarcerated individuals.³⁵ The DOC therefore classifies incarcerated individuals age 50-plus as elderly.³⁶ Costs continue to rise as more and more people in prison reach that age group.

In short, Pennsylvania's extreme sentences are a high-cost, low-value proposition for taxpayers: They fail to deter crime, do not protect communities, lock up low-risk people for too long, and increase prison costs exponentially.

ONE PERSON, \$5.7 MILLION

Seventy percent of lifers were under age 30 at the time of the crime,¹ which means that Pennsylvania taxpayers could be paying to incarcerate them for 50 years or more, an extraordinarily pricey possibility. For example, if someone enters prison at age 20, moves to a skilled or personal care unit at age 55, and lives to be age 75, the lifetime cost to incarcerate just that one person would be approximately \$5.7 million, plus inflation.

¹ Based on estimated age at the time of the crime, as discussed in footnote 15, *supra*.

WASTED MONEY, WASTED OPPORTUNITIES TO PREVENT CRIME AND ADDRESS VICTIMS' NEEDS

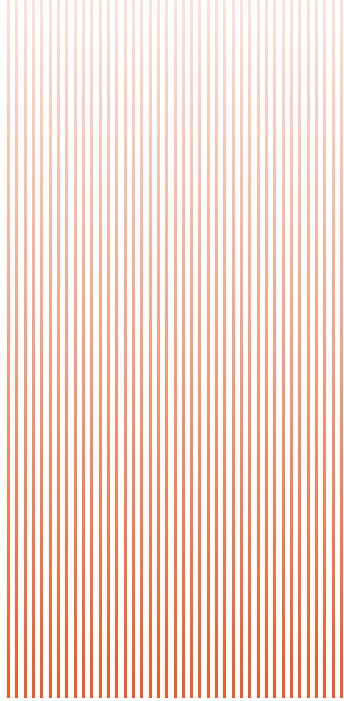
Pennsylvania's extreme sentences waste hundreds of millions of dollars that could otherwise be spent on preventing crime and addressing all victims' needs. For example:

- The Philadelphia City Controller found that the city is under-investing in evidence-based community violence intervention (CVI) by approximately \$22 million compared to cities with more successful CVI programs.¹
- Traditional victims' services agencies, as exist throughout Pennsylvania, leave behind most survivors of serious crimes.² The trauma recovery center model, used in California, Ohio, and Michigan, is effective at reaching these underserved survivors, improves crime survivors' mental and physical health, and increases their odds of returning to work. Trauma recovery centers have a recommended annual budget of \$1 million.³

¹ Rhynhart, R. (2021). *Data Release: The FY22 Anti-Violence Budget*, Philadelphia Office of the Controller, at 4. <https://controller.phila.gov/wp-content/uploads/2021/08/FY22-Anti-Violence-Funding-Data-Release.pdf>. The report concluded that it would cost \$55 million annually to invest at a level comparable to cities with more successful CVI programs, but Philadelphia will only allocate at most \$33 million for this purpose in fiscal year 2022.

² Of people who survive a violent crime that is reported (which excludes more than half of violent crimes), only one in 10 receive direct assistance from a victim service agency. National Alliance of Trauma Recovery Centers (2020). *Trauma Recovery Centers: Addressing the Needs of Underserved Crime Survivors*, at 1. <http://traumarecoverycenter.org/wp-content/uploads/2020/01/TRCBrief-R3.pdf>.

³ *Id.*



Extreme sentences: Harming communities, families, and the economy

Extreme sentences deprive the community of valuable human resources. When given the opportunity, many people serving extreme sentences complete educational or vocational training programs, obtain jobs, serve as mentors to their younger peers, and take on other leadership roles within prisons as they mature.³⁷ At a time when job openings are at a record high, these individuals would be valuable economic assets to their communities if they were released. Moreover, some of the most effective community violence interventions rely on formerly incarcerated individuals, who are often uniquely able to serve as mentors and develop relationships with at-risk youth.³⁸

Extreme sentences devastate families and contribute to poverty. When someone is incarcerated, their families “do the time” with them. The incarcerated individual can no longer contribute to the household income, which often makes it difficult for their families to meet basic needs, such as food, housing, and utilities.³⁹ Plus, many family members spend hundreds of dollars a month to visit, call, and email their loved ones and to provide prison commissary funding for toiletries and other essentials.⁴⁰ The emotional and psychological toll of the incarcerated individual’s absence from major milestones and day-to-day life is horrendous. Children of incarcerated parents experience significantly higher rates of mental health, educational, behavioral, developmental, and relationship problems than their peers.⁴¹ Similarly, incarceration is associated with negative mental and physical health consequences for adult family members.⁴²

Providing meaningful opportunities for release to people serving long sentences gives them hope and incentivizes them to engage in rehabilitative activities. That can reduce problematic behavior in prisons and lower recidivism upon release, making people safer both inside and outside of prisons.⁴³



Antoinette Osei

My son Jay’s been in prison for 28 years, serving life without parole. He was 19 when he went in. He just had a birthday, and now he’s 48. He is not the same person he was all those years ago.

When Jay first went in, it was devastating. When people go to prison, entire families pay the price. I went into shutdown mode and buried my life in my job and taking care of my younger son, who basically lost this important presence in his life – his older brother. My relationships with many in my own family suffered. We ended up uprooting our whole life and moving to try to ease the pain. But it didn’t work.

Finally, I started telling my story to other families going through the same thing. It was hard not to share it without bawling. But eventually, I started healing. I saw that it was helping others to hear it. Now I’m active in advocacy groups, and I went back to school for criminal justice.

I have hope. More people are starting to see that life without parole sentences are cruel. More people – even lawmakers – are starting to see that people like Jay deserve second chances.



Extreme sentences: Unjust and excessive

Extreme sentences are frequently imposed without considering individuals' level of culpability or other mitigating factors.

This is particularly true with regard to mandatory sentences, especially automatic LWOP sentences for first- and second-degree murder. Mandatory LWOP deprives judges of the opportunity to make individualized sentencing decisions that take into account all important facts of a case, like the role the person played in the offense, their age at the time of the offense, or the relationship between the defendant and the victim. For example:

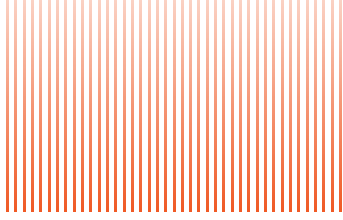
- Nearly half of those serving LWOP and more than one-third of those serving other extreme sentences were under age 25 at the time of the crime,⁴⁴ which means that their brains were still developing and their level of culpability was diminished.⁴⁵
- Life and virtual life sentences are, in practice, typically significantly longer for younger people than for those who are older. A person given LWOP at age 20 will likely spend much more time in prison than someone given LWOP at age 40. Ironically, life and virtual life sentences mean more punishment for those who are less culpable because of their age and incomplete brain development. There are more than 2,000 people incarcerated in Pennsylvania who have spent more time in prison than the total amount of time *that they were alive* prior to their crime.
- A survey of more than 600 women incarcerated for manslaughter or murder found that 30% had been trying to protect themselves or loved ones from physical or sexual violence, either by killing the person who was the source of the threat or by contributing to the death of a third party under duress at the order of someone who abused them.⁴⁶
- Two-thirds of women convicted of killing someone who was close to them had been abused by the person they killed.⁴⁷
- Under Pennsylvania's second-degree murder or "felony murder" law, people are subject to automatic LWOP if they participated in certain types of felonies and a death occurred – even if the individual neither harmed nor intended to harm the victim.⁴⁸



Charles Brown

My life is peaceful and rich beyond compare. But until four years ago, I was in prison for 36 years. When I was 16, I witnessed a friend stab someone, and we ran away. I was arrested near my home for murder and robbery, among other charges. I received a mandatory life without parole sentence.

I knew I was not a monster nor a lifer, and I refused to let those labels define me. In prison, I grew into a respected leader. I became a facilitator in reentry and cognitive-behavioral groups, helping thousands of men. Eventually, changes in the law led to me being released in 2017. Now, I am very involved in Bibleway Baptist Church's Prison Ministry (BrothaHood), visiting the county jail to talk with juvenile offenders charged as adults, just as I once was. I can't change what happened. But I can learn from that experience, and give back in an effort to prevent another youth from having to walk in the shoes I once walked in.



No way out: Existing release mechanisms fail to remedy extreme sentences

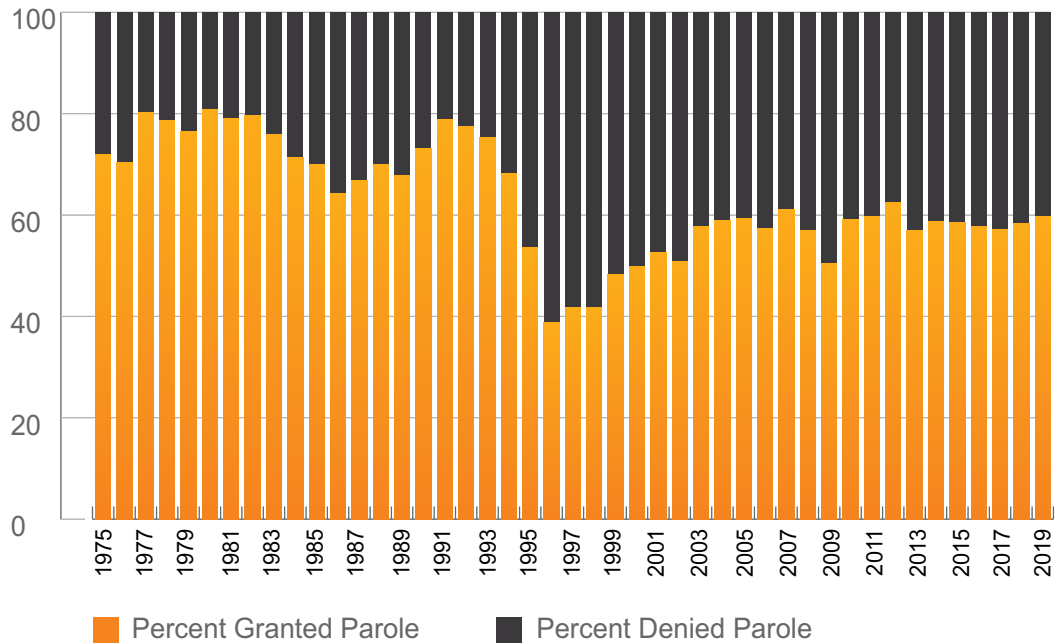
Because extreme sentences are unjust, costly, and provide little public safety benefit, it is crucial to ensure that people serving these sentences have meaningful opportunities for release. Existing mechanisms in Pennsylvania fall far short of meeting that need.

Parole: Declining grant rates and unavailability to those who need it most

Among those who are eligible for parole, parole grant rates declined at the same time that lengthy sentences increased. In the late 1970s to early 1980s, parole was granted to 70% to 80% of applicants. The parole grant rate has since fallen to 57% to 60%.⁴⁹

Moreover, people with life sentences in Pennsylvania, unlike most other states, are automatically denied the possibility of parole, while others serving extreme sentences will not be eligible for parole for decades. The lifer population is the population that needs parole most – and the population that would generate the most cost savings to taxpayers if given the opportunity for parole.

Parole Grant Rates



Clemency: Structural barriers limit releases

Because people serving life sentences in Pennsylvania are not eligible for parole, the only way that they can leave prison alive is if the governor commutes their sentences. Commutation was common in the 1970s, when more than 250 lifers received commutations.⁵⁰ However, as the lifer population grew, commutations dwindled almost to nonexistence. Between 1995 and 2014, only six lifers were given commutations.⁵¹ That decrease is in part due to a requirement that for lifers, the Board of Pardons must unanimously vote in favor of clemency for an application to be sent to the governor, a rarely surmountable hurdle. Commutations have increased slightly in recent years but remain far rarer than they were in the 1970s, even though the lifer population is many times larger. Clemency must be expanded, but it will never be sufficient to address all excessive sentences doled out in Pennsylvania in the era of mass incarceration.

Medical and geriatric release: Nonexistent and not compassionate

Finally, Pennsylvania's law allowing for release of incarcerated people with terminal medical conditions is extremely narrow, procedurally cumbersome, and hardly used. Only nine people were released for medical reasons between January 2010 and June 2015, while around 850 people died in prison during that time.⁵² And Pennsylvania law does not allow compassionate release on any grounds other than terminal illness. As former Secretary of Corrections John Wetzel describes, "It's not compassionate, nor do we release anybody."⁵³

Unlike 24 other states and Washington, D.C.,⁵⁴ Pennsylvania has no legal provision at all to permit the release of geriatric incarcerated people who do not have a terminal diagnosis, dooming the elderly to age and often die in prison.⁵⁵

SECOND CHANCES AND VICTIMS OF CRIME

Extreme sentences are often framed as serving crime victims. However, survivors of serious crimes have a range of opinions on extreme sentences,¹ and there is no evidence that extreme sentences actually improve victim well-being.² Moreover, the criminal justice system's primary functions are to promote justice and to protect the community. To ensure that justice, not vengeance, is the touchstone of the criminal legal system, the U.S. Constitution guarantees that society at large, not crime victims, determines what crimes to charge, who will be convicted (hence, the right to trial by jury), and what sentence is appropriate. Decisions regarding second chances should likewise be made in the interest of justice, safety, and broader community needs. One person's desire to see the full service of an extreme sentence should not trump public safety – communities are less safe when people remain in prison unnecessarily, at enormous cost to taxpayers. At the same time, it is imperative to ensure that victims are kept informed about the case and provided with services and resources to help support their healing.³ A portion of the savings from reduced prison sentences can be reinvested for this purpose.

1 Alliance for Safety and Justice (2019). *Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice*. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>; Hardison, E. (2019). *These crime victims have lost loved ones to murder — and to prison. That's why they want to end life without parole in Pennsylvania*, Pennsylvania Capital Star. <https://www.penncapital-star.com/criminal-justice/these-crime-victims-have-lost-loved-ones-to-murder-and-to-prison-thats-why-they-want-to-end-life-without-parole-in-pennsylvania/>.

2 Sered, D. (2019). *Until We Reckon*, The New Press, at 39.

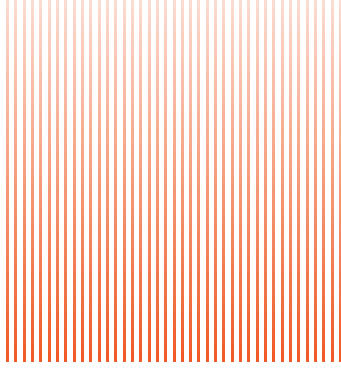
3 *Id.* at 27-28.

Recommendations for Pennsylvania lawmakers

- **Repeal and modify mandatory LWOP sentences.** They do not protect public safety, fail to account for the reality that people grow and change, waste millions of dollars each year, and are a primary driver of Pennsylvania's aging prison population. The mandatory life sentence statutes for first- and second-degree murder should be repealed, and all people serving life sentences should be given the opportunity to have their incarceration reviewed either through parole or through court action.
- **Expand opportunities for all people serving extreme sentences to demonstrate their rehabilitation and earn the opportunity for release.** Because most people who commit crimes age out of criminality, release policies should avoid categorical exclusions based on type of offense or length of sentence. The decision-making process should focus primarily on the person's situation and condition today and whether continued incarceration is necessary to protect the public and worth the cost to taxpayers. In addition to expanding parole eligibility, there are a range of potential mechanisms for giving people the opportunity to show that it no longer makes sense to incarcerate them. For example:
 - The Model Penal Code recommends a second-look sentencing provision that allows people to be considered for a sentence modification after they have served 15 years, and to be reconsidered every ten years after that.⁵⁶
 - Washington, D.C.'s Second Look Amendment Act, which went into effect in 2021, allows anyone incarcerated for a violation of D.C. law who was under age 25 at the time of the crime to petition the court for a sentence reduction after serving 15 years.⁵⁷ That reform expands a successful sentence review process that was originally established in 2016 for individuals who were under age 18 at the time of the crime.
 - California,⁵⁸ Washington,⁵⁹ Illinois,⁶⁰ Oregon,⁶¹ and Louisiana⁶² have passed legislation in recent years allowing courts to review and reduce sentences at any time, either at the prosecutor's request or with prosecutorial support.

Pennsylvania should adopt a broad second-look mechanism that allows anyone to request a reconsideration of their sentence, with or without prosecutor approval, after they have served 15 years in prison.

- **Expand medical release and create geriatric release.** More than one-quarter of Pennsylvania's prison population is over age 50, many of whom have chronic health conditions. Maintaining such an enormous population of aging and ill people in prisons is expensive, unnecessary, and unjust. Pennsylvania should create release mechanisms based on a) age and time served, and b) medical necessity, with no exclusions based on type of offense or length of sentence.
 - The federal First Step Act provides a strong model to emulate. In it, the U.S. Congress expanded eligibility for compassionate release and streamlined the application process. The bipartisan law established a right for any individual who presents "extraordinary and compelling reasons" justifying early release to file a motion for compassionate release in court.⁶³ Since the passage of those reforms, grants of compassionate release have increased nineteenfold, with most going to those who are elderly, very ill, medically vulnerable, or who present a combination of those factors.⁶⁴



- **Make all sentencing reforms retroactive.** When lawmakers pass smart sentencing reforms or revise an unjust penalty, they should apply these reforms retroactively. In Pennsylvania, this reform is particularly important given the human and fiscal crisis presented by the Commonwealth’s growing, aging prison population.
- **Eliminate the requirement that the Board of Pardons must unanimously vote in favor of clemency before a lifer’s commutation application can be sent to the governor.** Clemency is currently the only hope of relief for people serving very long and LWOP sentences. The unanimous vote requirement is an unreasonably high barrier to accessing commutations. Pennsylvania should repeal the constitutional amendment imposing that hurdle.
- **Reinvest savings resulting from decarceration in reentry and victim services.** While reentry support, both during and after incarceration, is important for anyone leaving prison, it is especially necessary for people who have been disconnected from their communities for decades. It is also crucial to ensure that those who have undergone trauma, including recognized victims, are connected with appropriate support and resources, particularly as people are released from prison.
- **Include data collection and reporting requirements in all reforms to monitor and address any disparities that may arise.** It is vital to get a complete picture of how second chances reforms are used so that shortcomings can be identified and improved in the future.



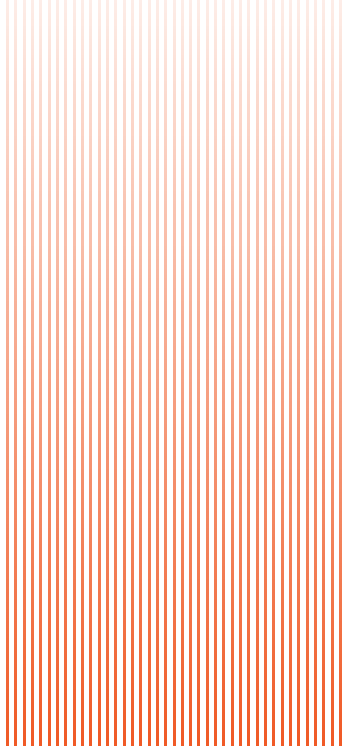
Marie Scott

Marie Scott is known as “Mechie” to her friends, and in her 50 years in prison, she’s made many. She’s helped hundreds of women survive prison, maintain hope, and become better people. She’s earned her degree in sociology, and has participated in every program possible to bring meaning to her time in prison. With a life sentence, it hasn’t been easy.

And now, she needs all the friends she can get. Marie, 68, suffers from several significant health problems and is in a wheelchair. Recently, her pain became so intolerable that she was admitted to an outside hospital. Her condition is serious and not improving.

When she was 19, Marie served as a lookout during a robbery in which her codefendant killed a man. Marie and her codefendant were sentenced to life without parole. That was 1974. It was a tragic turn in a difficult life; Marie suffered sexual abuse throughout her childhood.

Her codefendant was under 18 at the time of the murder, and he was resentenced in 2017 and released. Yet Marie is set to die behind bars. Meantime, her health problems worsen. Medical parole would be a mechanism for her to earn a second look from the system — and a second chance.



Conclusion

Pennsylvania's extreme sentencing system is unjust, costly, and makes Pennsylvanians less safe. Extreme sentences keep people locked up for decades or life. They deny people hope, harm families and communities, and exacerbate racial and other disparities. And they cost taxpayers hundreds of millions of dollars, without providing public safety benefits in return.

Providing meaningful release opportunities for people serving extreme sentences makes everyone safer. Pennsylvania cannot afford to perpetually bear the burdens of this costly and growing crisis. The time for reform is now, with the passage of second chances legislation and other much-needed administrative, statutory, and constitutional reforms.

For more information, contact FAIM at famm@famm.org or (202) 822-6700.



Endnotes

1 Lopez, R. Carter, T., and Songster, K. (2021). *Redeeming Justice*, Northwestern University Law Review, 116(2). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3728752.

2 Unless otherwise noted, historical/longitudinal data throughout this report is from Pennsylvania Department of Corrections, *Historical Annual Statistics Reports*, <https://www.cor.pa.gov/About%20Us/Statistics/Pages/Old-Statistical-Reports.aspx>. In some cases, different reports listed different numbers for the same datapoint in the same year. In those cases, the most recent version of the data was used.

3 Id.; Pennsylvania Commission on Crime and Delinquency (2018). *Crime Justice Trend Reports: Number and Rate of Reported Index Offense 2018*, https://pacrimestats.info/PCCDReports/CrimeJusticeTrendReports/2018/Criminal_Justice_Trend_Reports/Index_Offenses/2018_IndexOffenses_PA.xls.

4 Stemen, D. (2017). *The Prison Paradox: More Incarceration Will Not Make Us Safe*, Vera Institute of Justice, 1-2. https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf.

5 Id. at 2.

6 Ghandnoosh, N. (2017). *Delaying A Second Chance: The Declining Prospects For Parole On Life Sentences*, The Sentencing Project, at 5. <https://www.sentencingproject.org/wp-content/uploads/2017/01/Delaying-a-Second-Chance.pdf>. The other states that have eliminated parole for adult lifers are Florida, Illinois, Iowa, Louisiana, Maine, and South Dakota. For more information on life sentences in Pennsylvania, see Cozzens, Q. and Grote, B. (2018), *A Way Out: Abolishing Death By Incarceration in Pennsylvania*, Abolitionist Law Center. https://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC_AWayOut_27August_Full1.pdf.

7 Data on the current Pennsylvania prison population (specifically the population as of July 14, 2021) used throughout this report was provided by the Pennsylvania Department of Corrections to The Wren Collective, which shared this data with FAMM. Pennsylvania Department of Corrections (2021) RTKL 0577-21 - *Granted Information*, data on file with FAMM.

8 Nellis, A. (2017). *Still Life: America's Increasing Use of Life and Long-Term Sentences*, The Sentencing Project, at 10. <https://www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences/>.

9 Nellis, A. (2021). *No End In Sight: America's Enduring Reliance on Life Imprisonment*, The Sentencing Project, at 10. <https://www.sentencingproject.org/publications/no-end-in-sight-americas-enduring-reliance-on-life-imprisonment/>.

10 Id. at 17.

11 Planning, Research, and Statistics Office, Pennsylvania Department of Corrections (1990). *1990 Annual Statistical Report*, at 27. <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Old%20Statistical%20Reports/1990%20Annual%20Statistical%20Report.pdf>.

12 Kuba, R. (2019). *Annual Statistical Report 2019*, Pennsylvania Department of Corrections, at 23. <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Reports/2019%20Annual%20Statistical%20Report.pdf>.

13 United States Census Bureau (2019). *American Community Survey Demographic and Housing Estimates: Pennsylvania*, https://data.census.gov/cedsci/table?tid=ACSDP5Y2019_DP05&q=0400000US42.

14 Out of every 100,000 white people in Pennsylvania, 13 are serving LWOP and 14 have minimum sentences of 20-plus years. Out of every 100,000 Black people in Pennsylvania, 241 are serving LWOP and 191 have minimum sentences of 20-plus years. Out of every 100,000 Latino people in Pennsylvania, 47 are serving LWOP and 50 have minimum sentences of 20-plus years.

15 Data on age at the time of the crime is unavailable. Estimates regarding age at the time of the crime, as used throughout this report, were developed by calculating individuals' ages at whichever of the following dates was the earliest: sentence date, first admit date, or reception date (in most cases the sentence date was the earliest date), then subtracting one year to account for the time elapsed between the date of the crime and the date of sentencing/admit/reception. Because less serious cases are often processed in less than a year and serious cases often take longer than a year to process, this likely underestimates the age of those convicted of minor crimes and overestimates the age of those convicted of serious crimes.

16 Pennsylvania Bureau of Corrections (1979). *1979 Annual Statistical Report*, at 26. <https://www.cor.pa.gov/About%20Us/Statistics/Documents/Old%20Statistical%20Reports/1979%20Annual%20Statistical%20Report.pdf>.

17 Data missing for 1981, 1982, 1984, 1985, and 1988.

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**PA House Democratic Policy Committee Hearing:
“Judging Justice - The Mechanics of Criminal Sentencing”
Testimony Presented by Joanna Visser Adjoian, Esq.
Co-Founder and Co-Director, Youth Sentencing & Reentry Project
January 20, 2022**

Good morning, my name is Joanna Visser Adjoian, and I am the co-founder and Co-Director of the Youth Sentencing & Reentry Project, or YSRP. Thank you for your invitation to contribute testimony to this important hearing. By way of background, YSRP is a Philadelphia-based nonprofit organization that works with youth who are prosecuted in adult court, and advocates for the abolition of youth incarceration. We use direct service and policy advocacy to transform the experiences of children prosecuted in the adult criminal justice system, and to ensure fair and thoughtful resentencing and reentry for individuals who were sentenced to life without parole as children (*Philadelphia, where we are located, has sentenced more children to die in prison than any other place in the world*). We believe that all people, and especially young people, have the capacity to evolve. This is one of many reasons that our current system of mass incarceration, in which we treat people as disposable, is especially unjust for children. [*Because the criminal and juvenile justice systems are rooted in this country’s legacy of slavery and white supremacy, we know we have a lot of work to do transform these systems to be fair and just for youth.*]

This hearing has primarily focused on the mechanics of criminal sentencing for adults, but I want to spend my time on some of the unique processes - and unique impacts - for children. I want to highlight several key practices in youth sentencing in Pennsylvania, all of which are happening alarmingly frequently today, which are unjust and deeply harmful to children, including:

- Trying children as adults;
- Incarcerating children away from their homes and communities;
- Overcharging and extreme sentences; and
- Excessive cash bails

Before I get into the specifics of these areas, I want to be clear about where change must occur: **Pennsylvania’s laws allow for, and in some cases require, all of the harmful practices I am going to describe. Legislation is the only possibility for meaningful, statewide change on these issues.** Despite professions of good intentions and many, many hours of training for system

actors, these practices continue. We need changes in law in order to ensure that more children are not harmed by them.

Trying Children as Adults

Pennsylvania law allows, and in some cases requires, children to be tried as adults. Children who are tried as adults lose access to many procedural and practical safeguards offered to them in the juvenile justice system. But, the most grave injustice of this practice is that it means that they often spend significant time in jail and prison with adults. YSRP's client-partners routinely describe being held in jail as a child as terrifying and traumatizing. YSRP has a client-partner who has been incarcerated in an adult jail for the past 15 months, was not initially enrolled in school, and over the course of his incarceration has attended only 7 days of instruction. Children do not belong in adult jail cells; they belong in school.

Children are children, and there should not be exceptions. All children deserve to be treated as more than the worst thing they have ever done, and incarceration and sentencing in the adult system effectively treats them as disposable rather than redeemable, which is fundamentally contrary to the stated goals of the juvenile justice system. Charging youth as adults also subjects them to mandatory minimum sentences; a travesty for anyone but particularly unfair for the children who are impacted, the majority of whom are Black and brown. According to the Pennsylvania Juvenile Justice Task Force Report released in June 2021, 465 youth were tried as adults in 2019 in Pennsylvania, with appalling racial disparities. While Black boys are 7% of the PA youth population, they make up 56% of adult prosecution convictions. There is just no way for Pennsylvania to have a just "justice" system while this practice continues. We urge you as legislators to abolish the practice of charging, trying, and sentencing children as adults.

Incarcerating Children Away from Their Homes and Communities

Even when children are treated as children, a shockingly common outcome of cases in Pennsylvania's juvenile justice system is removal from the home to a carceral setting, commonly called "placement" – oftentimes hundreds of miles away from a young person's home community. Placements vary in type, focus of the programming, and location, and many of them have the intention of providing some therapeutic benefit to young people. But this focus on

incarceration, even with good intentions, is misguided. Research overwhelmingly shows that incarcerating children does not reduce recidivism - if anything it increases it. It also disrupts the positive supports that youth have in their families, schools, and communities, and leads to the serious challenge that we deal with every day at YSRP - the transition from a carceral setting back into the community after a long time away. Incarcerated children are also vulnerable to abuse, as we have seen time and time and time again in Pennsylvania. It is astonishing and infuriating to me, and more importantly to the young people and families YSRP partners with - that we keep allowing child abuse to occur in state-run facilities. This is perhaps too obvious, but the children who were abused at Glen Mills - and so many other facilities - would not have been had they not been incarcerated.

I want to be clear that Pennsylvania law and court rule *already* encourage judges and other decision-makers to consider incarceration as a sort of last resort, and to use it “only when necessary.” Despite this, and the overwhelming evidence of its ineffectiveness, Pennsylvania incarcerates thousands of children every year, at an enormous cost in dollars to taxpayers and a staggering cost in trauma to children and families. The Task Force found that there were more than 3,000 placements in 2018, and nearly two thirds of those children had *never committed a felony*. Can you imagine having your child or neighbor incarcerated on a charge that would most likely result in probation for an adult? This happens every day in Pennsylvania, although disproportionately in Black and brown communities. Given the abysmal record Pennsylvania has of incarcerating children despite stated intentions, only significant changes to the law - for example, banning placement as a response to most charges - can address the fundamental injustice of this system.

Other Issues in Youth Sentencing

[Overcharging and Extreme Sentencing: In our experience, young people are routinely overcharged by overzealous prosecutors. One of our youth client-partners was recently charged, at the age of 17, with murder after his girlfriend was killed in a car accident as he was being chased by police. Needless to say, his trauma of losing a loved one was compounded by being immediately held in an adult jail cell, and is now further compounded by his conviction after

pleading to a 3rd degree murder charge, which means he will spend between 7 and 20 years in adult prison.]

Cash Bail: Youth charged as adults are routinely held on extremely high cash bails. One of our client-partners was a new mom when she was incarcerated at 17, and spent two months in adult jail before a community bail fund paid \$50,000 to secure her release. During this time, she was forced to stop nursing her infant, which was particularly upsetting to her. To be clear, we believe cash bail is wrong generally, but it is particularly problematic when applied to teenagers who are barely even old enough to work. We monitor cash bails set in youth cases, and they are routinely hundreds of thousands or even millions of dollars.

[Fines and Fees: Children in the juvenile justice system, despite often living in poverty, are regularly charged fines, fees and restitution, and then held on probation or other supervision until they can repay their debt. This unnecessarily prolongs the amount of time that children are subject to supervision by the court, and can very often lead to re-incarceration on technical violations of probation. There is no good reason, in 2022, to be levying fines and fees against children. Many counties - including Philadelphia - have stopped elements of this practice of their own volition, but it is still common across the state. It must be abolished by law.]

Closing

These are just a few examples of harmful sentencing and related practices that Pennsylvania is engaging in today, and that we witness every day in our work at YSRP. I strongly urge you to take legislative action to correct these injustices, and prevent further harm to young people like Briannah Stoves, a youth leader representing the *Care, Not Control* campaign, who I am honored to appear with today. Bre speaks from lived experience, and I commend this committee on creating space to hear from those who are most directly impacted by Pennsylvania's broken carceral system. Thank you again for this opportunity, and I will be happy to take your questions at the appropriate time.

Good morning. My name is Briannah Stoves, and I am on the Youth Steering Committee of the Care, Not Control campaign. I would like to speak on incarceration from a personal point of view, based on the experiences I had when I was in placement.

I had a knee on my back, right by my neck with one hand in a handcuff. There were between 6-8 male officers on top of me. I tried to tell them I couldn't breathe. I was 14 years old. That was the first time I was arrested.

I was sentenced to placement when I was 14. When I got there, I quickly learned that the rules don't apply the same to everyone. I wasn't taught the things they say you will be taught when you're in placement. Instead, I was taught that you'd be rewarded for being aggressive. There were staff members who wanted to do things to kids they didn't like or that they wanted to get off of the unit, but they couldn't or they'd get in trouble. So instead, they'd encourage me to fight kids for them. I wasn't the only one. We would be antagonized and pitted against each other. Once we did what they asked, they'd give us extra food and snacks. What kid doesn't want snacks and extra food? They were manipulating us instead of helping us.

Being in placement felt lonely, it felt distant. I felt lost. Of course we need to be taught that there are consequences. But that doesn't mean any consequence is the right one. Some consequences don't teach you anything other than how to keep going back. Placement changes you, but not in a good way.

Before I was arrested, I never really got in trouble or acted up. I mostly just wanted to have fun and play basketball. I ended up being in a relationship with someone older than me. I didn't know at the time that I wasn't legally able to consent. They acted like they were there for me, to fill a void when I was vulnerable. That's when it all started.

I was in and out of placement for the rest of my teen years. I'd be released, then I'd be sent back for violating a condition of my probation, and it would start all over again. After you've been through it and they arrest you again, you feel like you already know what's going to happen. You just wait for it to happen to you. You give into it. It causes kids to have a feeling of "I don't care if I get arrested." You shouldn't want to go back there. But I spent so much time there, it starts to feel like it's your second home. But a home where you have to knock on the door to get permission to go to the bathroom.

When I was 18, and finally paid off the last bit of my restitution, they closed my case. It was finally all over. Now, I finally feel free. Nothing is more important to me than to be with the ones I love the most: my family.

I get support from my family, me and my mom's relationship is really strong now. Also from my job and a few close friends. But I lost a lot of my friends after I got out. When I stopped being down to be reckless and chose to be productive, people started to think I was no fun.

Sometimes you have to put down what you want to do for what you need to do.

As legislators, I hope you will understand that placement is harming children and helping no one. I hope you will work to change the laws to stop young people, like myself, from being sent away from our loved ones and placed in these conditions. The harm caused by these sentences lasts a lifetime -- it does not end when you leave placement or 'age out' of the juvenile system.

As a member of the Care, Not Control campaign I am urging you to take action to transform our justice system in Pennsylvania and to provide care for our young people in a way that betters their lives.