

Sentencing Grid Draft Report Language #1

Sentencing Grid Proposal #1 – Incremental

The Incremental approach provides a balance between increasing judicial discretion and ensuring that offenders who commit similar crimes and have similar criminal histories receive equivalent sentences, the purpose of the SRA.

The grid increases judicial discretion significantly in two ways. First, cells that result in a jail sentence are changed to 0-364 days regardless of offender score. The one exception is seriousness level 5 with an offender score equal to 0. This cell remains at 6-12 months due to the crimes in this seriousness level, Rape 3 in particular. Second, in the prison term cells, the upper end of each range is increased by 20% and the lower end of each range is decreased by 20%. The ranges for seriousness level 14 remain the same because it is already expanded in the current grid.

While increasing judicial discretion, this grid still maintains the jail/prison line. This means cells that previously resulted in a jail sentence still result in a jail sentence and cells that resulted in a prison sentence still result in a prison sentence. Furthermore, this proposal presumes no changes to scoring, enhancements, mandatory minimum sentences or mandatory consecutive terms.

		Offender Score									
		0	1	2	3	4	5	6	7	8	9+
S e r i o u s n e s s L e v e l	LEVEL XVI	Life sentence without parole/death penalty for offenders at or over the age of eighteen. For offenders under the age of eighteen, a term of twenty-five years to life. *									
	LEVEL XV	192 - 384	200 - 400	209 - 416	217 - 433	225 - 449	233 - 466	250 - 499	270 - 540	296 - 592	329 - 658
	LEVEL XIV	123 - 220	134 - 234	144 - 244	154 - 254	165 - 265	175 - 275	195 - 295	216 - 316	257 - 357	298 - 397
	LEVEL XIII	98 - 197	107 - 214	115 - 230	123 - 246	132 - 263	140 - 280	156 - 312	173 - 346	206 - 410	238 - 476
	LEVEL XII	74 - 148	82 - 163	89 - 176	96 - 192	103 - 205	110 - 221	130 - 259	142 - 283	167 - 332	192 - 382
	LEVEL XI	62 - 122	69 - 137	76 - 150	82 - 163	89 - 176	96 - 190	117 - 233	127 - 253	148 - 294	168 - 336
	LEVEL X	41 - 82	46 - 90	50 - 98	54 - 107	58 - 115	62 - 122	78 - 156	86 - 173	103 - 205	119 - 238
	LEVEL IX	25 - 49	29 - 58	33 - 65	37 - 73	41 - 82	46 - 90	62 - 122	70 - 139	86 - 173	103 - 205
	LEVEL VIII	17 - 32	21 - 41	25 - 49	29 - 58	33 - 65	37 - 73	54 - 107	62 - 122	70 - 139	86 - 173
	LEVEL VII	12+ - 24	17 - 32	21 - 41	25 - 49	29 - 58	33 - 65	46 - 90	54 - 107	62 - 122	70 - 139
	LEVEL VI	12+ - 17	12 - 24	17 - 32	21 - 41	25 - 49	29 - 58	37 - 73	46 - 90	54 - 107	62 - 122
	LEVEL V	6 - 12	12+ - 17	12+ - 20	12+ - 24	18 - 35	26 - 52	33 - 65	41 - 82	50 - 98	58 - 115
	LEVEL IV	0 - 12	0 - 12	12+ - 17	12+ - 20	12+ - 24	18 - 35	26 - 52	34 - 68	42 - 84	50 - 101
	LEVEL III	0 - 12	0 - 12	0 - 12	0 - 12	12+ - 17	14 - 26	18 - 35	26 - 52	34 - 68	41 - 82
	LEVEL II	0 - 12	0 - 12	0 - 12	0 - 12	12+ - 17	12+ - 22	14 - 26	18 - 35	26 - 52	34 - 68
	LEVEL I	0 - 12	0 - 12	0 - 12	0 - 12	0 - 12	0 - 12	12+ - 17	12+ - 22	14 - 26	18 - 35