



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

TO: Ohio Criminal Sentencing Commission Members & Advisory Committee  
FROM: Sara Andrews, Director  
DATE: October 19, 2015  
RE: 50 State Sentencing Summary

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Consistent with the Criminal Sentencing Commission's vision to enhance justice and its mission to ensure fair sentencing in the State of Ohio, we continue to analyze current adult and juvenile criminal statutes and law in Ohio and other states. I trust this will be yet another relevant and useful information summary demonstrative of our service to provide input, consult and recommendations in criminal justice and public safety reform.

This 50-state survey of penalties for felony and misdemeanor classifications is separated into two documents. The first document outlines the felony and misdemeanor classification schemes for all 50 states and Washington D.C., including references to penalty information. The second document is an earnest effort to compile the "in a nutshell" penalty information for each state. Please note that if penalty charts could be located, they are included or the statutes generally covering felony and misdemeanor penalties are inserted. Sentencing guidelines in many states are too complex or the sentencing statutes include penalties on a crime by crime-by-crime basis making it impossible to present a succinct, general overview for all states.

Please join me in profound thanks to the staff of the Supreme Court Law Library staff for their support and work on this project.



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STATE	FELONY & MISDEMEANOR CLASSIFICATION SCHEME	SOURCES FOR PENALTY INFORMATION
<b>Alabama</b>	Felonies Class A-C Misdemeanors Class A-C	<u>Judges' Sentencing Reference Manual 2012</u> (2012 is most recent edition) Ala.Code 1975 § 13A-5-6 Ala.Code 1975 § 13A-5-7 Ala.Code 1975 § 13A-5-12
<b>Alaska</b>	Felonies Class A-C Misdemeanors Class A-B and violations	AS § 12.55.035 AS § 12.55.125 AS § 12.55.135
<b>Arizona</b>	Felonies Class 1-6 Misdemeanors Class 1-3 and petty	<u>Criminal Code Sentencing Provisions 2015-2016</u> Ariz. Rev. Stat. § 13-601 Ariz. Rev. Stat. § 13-702
<b>Arkansas</b>	Felonies Class Y and A-D; some unclassified Misdemeanors Class A-C; some unclassified	A.C.A. § 5-4-401 A.C.A. § 5-4-201
<b>California</b>	Penalties vary by crime	Cal.Penal Code § 18 Cal.Penal Code § 19 Cal.Penal Code § 19.6 Cal.Penal Code § 19.8
<b>Colorado</b>	Felonies Class 1-6; some unclassified Misdemeanors Class 1-3 and petty offenses; some unclassified	C.R.S.A. § 18-1.3-401 C.R.S.A. § 18-1.3-402 C.R.S.A. § 18-1.3-403 C.R.S.A. § 18-1.3-501 C.R.S.A. § 18-1.3-503
<b>Connecticut</b>	Felonies Class A-E; some unclassified Misdemeanors Class A-D; some unclassified	C.G.S.A. § 53a-35a C.G.S.A. § 53a-36 C.G.S.A. § 53a-41 et seq.
<b>Delaware</b>	Felonies Class A-G Misdemeanors Class A-B (some unclassified) and violations	<u>Sentencing Accountability Commission Benchbook 2014</u>



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<b>D.C.</b>	Penalties vary by crime	DC ST § 22-1807 DC ST § 22-3571.01
<b>Florida</b>	Capital felonies and felonies 1 <sup>st</sup> -3 <sup>rd</sup> degree Misdemeanors 1 <sup>st</sup> -2 <sup>nd</sup> degree, and noncriminal violations	F.S.A. § 775.081 F.S.A. § 775.082 F.S.A. § 775.083
<b>Georgia</b>	Penalties vary by crime Some felonies may be punished as a misdemeanor	Ga. Code Ann., § 16-1-3 Ga. Code Ann., § 17-10-3 Ga. Code Ann., § 17-10-5
<b>Hawaii</b>	Felony murder and felonies Class A-C Misdemeanors and petty misdemeanors	HRS § 706-656 HRS § 706-659 HRS § 706-660 HRS § 706-663 HRS § 706-640
<b>Idaho</b>	Penalties vary by crime	I.C. § 18-111 I.C. § 18-112 et seq.
<b>Illinois</b>	Felony murder, felonies Class X and 1-4 Misdemeanors Class A-C and petty offenses	<a href="#"><u>Penalties for Crimes in Illinois 2014</u></a>
<b>Indiana</b>	Felonies murder and felonies Level 1-6 Misdemeanors Class A-C	IC 35-50-2-1 IC 35-50-2-3 et seq. IC 35-50-3-2 et seq.
<b>Iowa</b>	Felonies Class A-D Misdemeanors classified as aggravated, serious, and simple	<a href="#"><u>Iowa Criminal Law Overview December 2014</u></a>
<b>Kansas</b>	Felony sentences determined by grid system Misdemeanors Class A-C	<a href="#"><u>Felony Sentencing Nondrug Offenses 2015</u></a> <a href="#"><u>Felony Sentencing Drug Offenses 2015</u></a> K.S.A. 21-6611



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<b>Kentucky</b>	Capital offenses and felonies Class A-D Misdemeanors Class A-B and violations	KRS § 532.020 KRS § 532.060 KRS § 532.090 KRS § 534.030 et seq.
<b>Louisiana</b>	Penalties vary by crime	LSA-R.S. 14:2
<b>Maine</b>	Murder and felonies Class A-C Misdemeanors Class D-E	17-A M.R.S.A. § 1251 et seq. 17-A M.R.S.A. § 1301
<b>Maryland</b>	Penalties vary by crime	<a href="#">Maryland Sentencing Guidelines Manual 2015</a>
<b>Massachusetts</b>	Penalties vary by crime	<a href="#">Massachusetts Survey of Sentencing Practices 2014</a> (Sentencing guidelines have been proposed but must be voted on)
<b>Michigan</b>	Felonies M2 and Class A-H High misdemeanors, misdemeanors punishable up to 1 year, and misdemeanors punishable up to 93 days	<a href="#">Sentencing Guidelines Manual 2015</a> M.C.L.A. 750.503 et seq.
<b>Minnesota</b>	Felony penalties vary by crime Gross misdemeanors, misdemeanors, petty misdemeanors, and violations	<a href="#">Sentencing Guidelines and Commentary 2015</a> M.S.A. § 609.033 et seq. M.S.A. § 609.10 M.S.A. § 609.125
<b>Mississippi</b>	Penalties vary by crime	Miss. Code Ann. § 99-19-31 et seq.
<b>Missouri</b>	Felonies Class A-D Misdemeanors Class A-C and infractions	V.A.M.S. 558.011 V.A.M.S. 560.011 V.A.M.S. 560.016
<b>Montana</b>	Penalties vary by crime	MCA 46-18-201 MCA 46-18-231



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<b>Nebraska</b>	Felonies Class I, IA, IB, IC, ID, II, III, IIIA, IV Misdemeanors Class I, II, III, IIIA, IV, V, W	Neb.Rev.St. § 28-105 ( <b>note: enacted legislation</b> <a href="#">2015 Nebraska Laws L.B. 268</a> ) Neb.Rev.St. § 28-106 ( <b>note: enacted legislation</b> <a href="#">2015 Nebraska Laws L.B. 605</a> )
<b>Nevada</b>	Felonies Category A-E Gross misdemeanors and misdemeanors	N.R.S. 193.120 et seq.
<b>New Hampshire</b>	Felonies Class A-B Misdemeanors Class A-B and violations	N.H. Rev. Stat. § 651:2
<b>New Jersey</b>	Crimes of the 1 <sup>st</sup> -4 <sup>th</sup> Degree Disorderly persons offenses and petty disorderly persons offenses	N.J.S.A. 2C:43-1 N.J.S.A. 2C:43-3 N.J.S.A. 2C:43-6
<b>New Mexico</b>	Capital felonies and 1 <sup>st</sup> -4 <sup>th</sup> Degree felonies Misdemeanors and petty misdemeanors	N.M. Stat. Ann. § 31-18-14 N.M. Stat. Ann. § 31-18-15 N.M. Stat. Ann. § 31-19-1
<b>New York</b>	Felonies Class A-I, A-II, B,C, D, E Misdemeanors Class A-B, unclassified, and violations	McKinney's Penal Law § 55.05 McKinney's Penal Law § 70.00 McKinney's Penal Law § 70.15 McKinney's Penal Law § 80.00 et seq.
<b>North Carolina</b>	Felonies Class A, B1, B2, C, D, E, F, G, H, I Misdemeanors Class A1 and Class 1-3	<a href="#">A Citizen's Guide to Structured Sentencing 2014</a>
<b>North Dakota</b>	Felonies Class AA, A, B, C Misdemeanors Class A-B and infractions	NDCC, 12.1-32-01
<b>Ohio</b>	Special felonies and F1-F5 M1-M4 and minor misdemeanors	Table of Penalties, Ohio Criminal Law Handbook p. A1-A4



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<b>Oklahoma</b>	Penalties vary by crime	21 Okl.St. Ann. § 4 et seq. 21 Okl.St. Ann. § 9 et seq.
<b>Oregon</b>	Felonies Class A-C; some unclassified Misdemeanors Class A-C; some unclassified	O.R.S. § 161.605 O.R.S. § 161.615 O.R.S. § 161.625 et seq.
<b>Pennsylvania</b>	Murder, Felonies 1 <sup>st</sup> -3 <sup>rd</sup> Degree Misdemeanors 1 <sup>st</sup> -3 <sup>rd</sup> degree	18 Pa.C.S.A. § 1101 et seq. 18 Pa.C.S.A. § 1103 et seq.
<b>Rhode Island</b>	Felonies, misdemeanors, petty misdemeanors, and violations; penalties vary by crime	Gen.Laws 1956, § 11-1-1 et seq.
<b>South Carolina</b>	Felonies Class A-F; some crimes classified separately as exempt Misdemeanors Class A-C	Code 1976 § 16-1-20
<b>South Dakota</b>	Felonies Class A-C and Class 1-6 Misdemeanors Class 1-2	SDCL § 22-6-1 SDCL § 22-6-2
<b>Tennessee</b>	Felonies Class A-E Misdemeanors Class A-C	Tenn. Code Ann. § 40-35-110 et seq.
<b>Texas</b>	Capital felonies, felonies 1 <sup>st</sup> -3 <sup>rd</sup> Degree, and state jail felonies Misdemeanors Class A-C	V.T.C.A., Penal Code § 12.02 et seq. V.T.C.A., Penal Code § 12.21 et seq. V.T.C.A., Penal Code § 12.31 et seq.
<b>Utah</b>	Capital felonies and felonies 1 <sup>st</sup> -3 <sup>rd</sup> Degree Misdemeanors Class A-C, infractions	U.C.A. 1953 § 76-3-102 et seq. U.C.A. 1953 § 76-3-203 U.C.A. 1953 § 76-3-204 U.C.A. 1953 § 76-3-206 U.C.A. 1953 § 76-3-301
<b>Vermont</b>	Penalties vary by crime	13 V.S.A. § 1 13 V.S.A. § 7031
<b>Virginia</b>	Felonies Class 1-6 Misdemeanors Class 1-4	VA Code Ann. § 18.2-8 et seq.



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<b>Washington</b>	Felonies Class A-C Gross misdemeanors and misdemeanors	<u>2014 Washington State Adult Sentencing Guidelines Manual</u> RCWA 9A.20.010 RCWA 9A.20.021 RCWA 9.94A.550
<b>West Virginia</b>	Penalties vary by crime	W. Va. Code, § 61-11-1 W. Va. Code, § 61-11-16 W. Va. Code, § 61-11-17
<b>Wisconsin</b>	Felonies Class A-I Misdemeanors Class A-C	W.S.A. 939.50 et seq.
<b>Wyoming</b>	Penalties vary by crime	W.S.1977 § 6-10-101 et seq.



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**ALABAMA**

**Alabama Sentencing Commission Sentencing Reference Manual for Circuit and District Judges, Summer 2012 (excerpt)**

**B. Alabama Statutory Penalty Provisions and Enhancements**

**1. Penalties by Class of Felony, with Firearm and Sex Offender Enhancements**

Ala. Code § 13A-5-6 and § 13A-5-11

Current Offense	Penalty	Minimum Penalty if Firearm/Deadly Weapon Used/Attempted*	Minimum Mandatory Child Sex Offenders**
Class A Felony	10-99 years or life in State penitentiary  Fine up to \$60,000	20 years	20 years plus 10 years post-incarceration supervision (part of sentence)  Not eligible for probation, good time, parole, or split sentence
Class B Felony	2-20 years***  Fine up to \$30,000	10 years	10 years  Not eligible for probation, good time, parole, or split sentence
Class C Felony	1 (+1 day) - 10 years***  Fine up to \$15,000	10 years	No sentence enhancement  Not eligible for good time or probation****

\* Applies where any coconspirator possesses a firearm. *Browder v. State*, 728 So. 2d 1108 (Ala. 1997).

\*\* Applicable offenses are sex offenses involving a child victim under 12 years of age, child pornography offenses involving children under the age of 17, and traveling to meet a child for an unlawful sex act. (§ 13A-6-124).

\*\*\* Imprisonment of 3 years or less can be ordered to be served in the county jail or penitentiary. Ala. Code § 15-18-1(b) (1975).

\*\*\*\* § 13-5-2(d) prohibits probation for all criminal sex offenses, but § 15-8-8 prohibits split sentencing for only Class A and B sex offenses.



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**ALABAMA** (continued)

**2. Penalties for Misdemeanors & Violations**

**Ala. Code § 13A-5-7, § 13A-5-12, and § 11-45-9**

<b>Offense</b>	<b>Imprisonment</b>	<b>Fine</b>
<b>Class A Misdemeanor</b>	Not to exceed 1 year	Not more than \$6,000*
<b>Class B Misdemeanor</b>	Not to exceed 6 months	Not more than \$3,000*
<b>Class C Misdemeanor</b>	Not to exceed 3 months	Not more than \$500*
<b>State Violation</b>	Not to exceed 30 days	Not more than \$200*
<b>Municipal Ordinance Violation</b> § 11-45-9	Not to exceed 6 months (Except for DUI offenses where maximum is one year imprisonment or hard labor)	Not to exceed \$500 (Except for DUI where maximum fine is \$5,000)

\*or any amount not exceeding double the pecuniary gain to the offender or loss to the victim caused by the commission of the offense.



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## **ALASKA**

### **AS § 12.55.035. Fines (excerpt)**

(a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under [AS 11.66.110\(a\)\(2\)](#), or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony;

(4) \$50,000 for a class C felony;

(5) \$10,000 for a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

### **AS § 12.55.125. Sentences of imprisonment for felonies (excerpt)**

(c) Except as provided in (i) of this section, a defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in [AS 12.55.155--12.55.175](#):

(d) Except as provided in (i) of this section, a defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in [AS 12.55.155--12.55.175](#):

(e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in [AS 12.55.155--12.55.175](#):

### **AS § 12.55.135. Sentences of imprisonment for misdemeanors (excerpt)**

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.



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**ARIZONA**

**A.R.S. § 13-601. Classification of offenses**

**A.** Felonies are classified, for the purpose of sentence, into the following six categories:

1. Class 1 felonies.
2. Class 2 felonies.
3. Class 3 felonies.
4. Class 4 felonies.
5. Class 5 felonies.
6. Class 6 felonies.

**B.** Misdemeanors are classified, for the purpose of sentence, into the following three categories:

1. Class 1 misdemeanors.
2. Class 2 misdemeanors.
3. Class 3 misdemeanors.

**C.** Petty offenses are not classified.

**A.R.S. § 13-702. First time felony offenders; sentencing; definition (EXCERPT)**

**D.** The term of imprisonment for a presumptive, minimum, maximum, mitigated or aggravated sentence shall be within the range prescribed under this subsection. The terms are as follows:

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
Class 6	.33 years	.5 years	1 year	1.5 years	2 years



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**ARIZONA** (continued)

**2015-2016 Criminal Code Sentencing Provisions, effective July 3, 2015 (EXCERPT)**

**FINES FOR FELONIES—§ 13-801, § 13-803**

Up to \$150,000 per charge (persons); Up to \$1,000,000 per charge (enterprises)

**PENALTIES FOR MISDEMEANORS—§ 13-707, § 13-802**

Class	Jail-Maximum	Fines Before Surcharges	
		Persons	Enterprises
1	6 months	Up to \$2,500	Up to \$20,000
2	4 months	Up to \$750	Up to \$10,000
3	30 days	Up to \$500	Up to \$2,000
Petty Offense	No jail	Up to \$300	Up to \$1,000



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## **ARKANSAS**

### **A.C.A. § 5-4-401. Felonies, incarceration**

(a) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:

- (1) For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;
- (2) For a Class A felony, the sentence shall be not less than six (6) years nor more than thirty (30) years;
- (3) For a Class B felony, the sentence shall be not less than five (5) years nor more than twenty (20) years;
- (4) For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;
- (5) For a Class D felony, the sentence shall not exceed six (6) years; and
- (6) For an unclassified felony, the sentence shall be in accordance with a limitation of the statute defining the felony.

(b) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:

- (1) For a Class A misdemeanor, the sentence shall not exceed one (1) year;
- (2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days;
- (3) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days; and
- (4) For an unclassified misdemeanor, the sentence shall be in accordance with a limitation of the statute defining the misdemeanor.

### **A.C.A. § 5-4-201. Imposition of fines (excerpt)**

Effective: July 1, 2009

(a) A defendant convicted of a felony may be sentenced to pay a fine:

- (1) Not exceeding fifteen thousand dollars (\$15,000) if the conviction is of a Class A felony or Class B felony;
- (2) Not exceeding ten thousand dollars (\$10,000) if the conviction is of a Class C felony or Class D felony; or
- (3) In accordance with a limitation of the statute defining the felony if the conviction is of an unclassified felony.

(b) A defendant convicted of a misdemeanor may be sentenced to pay a fine:



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**ARKANSAS** (continued)

- (1) Not exceeding two thousand five hundred dollars (\$2,500) if the conviction is of a Class A misdemeanor;
- (2) Not exceeding one thousand dollars (\$1,000) if the conviction is of a Class B misdemeanor;
- (3) Not exceeding five hundred dollars (\$500) if the conviction is of a Class C misdemeanor; or
- (4) In accordance with a limitation of the statute defining the misdemeanor if the conviction is of an unclassified misdemeanor.

(c) A defendant convicted of a violation may be sentenced to pay a fine:

- (1) Not exceeding one hundred dollars (\$100) if the violation is defined by the Arkansas Criminal Code or defined by a statute enacted subsequent to January 1, 1976, that does not prescribe a different limitation on the amount of the fine; or
- (2) In accordance with a limitation of the statute defining the violation if that statute prescribes limitations on the amount of the fine.

(d)(1) Notwithstanding a limit imposed by this section, if the defendant has derived pecuniary gain from commission of an offense, then upon conviction of the offense the defendant may be sentenced to pay a fine not exceeding two (2) times the amount of the pecuniary gain.



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## **CALIFORNIA**

### **West's Ann.Cal.Penal Code § 18. Punishment for felony not otherwise prescribed; alternate sentence to county jail**

Effective: October 1, 2011

(a) Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a felony is punishable by imprisonment for 16 months, or two or three years in the state prison unless the offense is punishable pursuant to [subdivision \(h\) of Section 1170](#).

(b) Every offense which is prescribed by any law of the state to be a felony punishable by imprisonment or by a fine, but without an alternate sentence to the county jail for a period not exceeding one year, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both.

### **West's Ann.Cal.Penal Code § 19. Punishment for misdemeanor; punishment not otherwise prescribed**

Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both.

### **West's Ann.Cal.Penal Code § 19.6. Infractions; punishment; jury trial; right to public defender**

An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him or her unless he or she is arrested and not released on his or her written promise to appear, his or her own recognizance, or a deposit of bail.

### **West's Ann.Cal.Penal Code § 19.8. Infractions; classification of offenses; fines; effect of conviction**

Effective: January 1, 2015

(a) The following offenses are subject to [subdivision \(d\) of Section 17](#): [Sections 193.8, 330, 415, 485, 490.7, 555, 602.13, and 853.7](#) of this code; [subdivision \(c\) of Section 532b](#), and [subdivision \(o\) of Section 602](#) of this code; [subdivision \(b\) of Section 25658](#) and [Sections 21672, 25661, and 25662 of the Business and Professions Code](#); [Section 27204 of the Government Code](#); [subdivision \(c\) of Section 23109](#) and [Sections 5201.1, 12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code](#), and any other offense that the Legislature makes subject to [subdivision \(d\) of Section 17](#). Except where a lesser maximum fine is expressly provided for a violation of those sections, a violation that is an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250).

(b) Except in cases where a different punishment is prescribed, every offense declared to be an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250)

(c) Except for the violations enumerated in [subdivision \(d\) of Section 13202.5 of the Vehicle Code](#), and [Section 14601.1 of the Vehicle Code](#) based upon failure to appear, a conviction for an offense made an infraction under [subdivision \(d\) of Section 17](#) is not grounds for the suspension, revocation, or denial of a license, or for the revocation of probation or parole of the person convicted.



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**COLORADO**

**C.R.S.A. § 18-1.3-401. Felonies classified--presumptive penalties (excerpt)**

Effective: March 20, 2015

(V)(A) Except as otherwise provided in [section 18-1.3-401.5](#) for offenses contained in article 18 of this title committed on or after October 1, 2013, as to any person sentenced for a felony committed on or after July 1, 1993, felonies are divided into six classes that are distinguished from one another by the following presumptive ranges of penalties that are authorized upon conviction:

<b>Class</b>	<b>Minimum Sentence</b>	<b>Maximum Sentence</b>	<b>Mandatory Period of Parole</b>
1	Life imprisonment	Death	None
2	Eight years imprisonment	Twenty-four years imprisonment	Five years
3	Four years imprisonment	Twelve years imprisonment	Five years
4	Two years imprisonment	Six years imprisonment	Three years
5	One year imprisonment	Three years imprisonment	Two years
6	One year imprisonment	Eighteen months imprisonment	One year



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**COLORADO** (continued)

**C.R.S.A. § 18-1.3-402. Felony offenses not classified**

(1) Any felony defined by state statute without specification of its class shall be punishable as provided in the statute defining it. For felony offenses committed on or after July 1, 1993, if the sentencing court sentences an offender to incarceration pursuant to the provisions of this section, the sentencing court shall also impose a mandatory period of parole of two years.

(2) Every sentence entered under this section shall include consideration of restitution as required by part 6 of this article and by article 18.5 of title 16, C.R.S.

**C.R.S.A. § 18-1.3-403. Penalty for felony not fixed by statute—punishment**

(1) In all cases where an offense is denominated by statute as being a felony and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than five years in a correctional facility, as defined in [section 17-1-102, C.R.S.](#), or a fine of not more than fifteen thousand dollars, or both such imprisonment and fine. For offenses committed on or after July 1, 1985, a fine of not more than one hundred thousand dollars may be levied. For offenses committed on or after July 1, 1993, if the sentencing court sentences an offender to incarceration pursuant to the provisions of this section, the sentencing court shall also impose a mandatory period of parole of two years.

(2) Every sentence entered under this section shall include consideration of restitution as required by part 6 of this article and by article 18.5 of title 16, C.R.S.

**C.R.S.A. § 18-1.3-501. Misdemeanors classified--drug misdemeanors and drug petty offenses classified--penalties—definitions (excerpt)**

Effective: July 1, 2015

(1)(a) Except as otherwise provided in paragraph (d) of this subsection (1), misdemeanors are divided into three classes that are distinguished from one another by the following penalties that are authorized upon conviction except as provided in subsection (1.5) of this section:

Class	Minimum Sentence	Maximum Sentence
1	Six months imprisonment, or five hundred dollars fine, or both	Eighteen months imprisonment, or five thousand dollars fine, or both
2	Three months imprisonment, or two hundred fifty dollars fine, or both	Twelve months imprisonment, or one thousand dollars fine, or both
3	Fifty dollars fine	Six months imprisonment, or seven hundred fifty dollars fine, or both



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**COLORADO** (continued)

**C.R.S.A. § 18-1.3-503. Petty offenses classified—penalties**

(1) A violation of a statute of this state is a “petty offense” if specifically classified as a class 1 or class 2 petty offense. The penalty for commission of a class 1 petty offense, upon conviction, is a fine of not more than five hundred dollars, or imprisonment for not more than six months other than in state correctional facilities, or both. The penalty for commission of a class 2 petty offense is a fine specified in the section defining the offense. The penalty assessment procedure of [section 16-2-201, C.R.S.](#), is available for the payment of fines in class 2 petty offense cases.

(2) Every sentence entered under this section shall include consideration of restitution as required by part 6 of this article and by article 18.5 of title 16, C.R.S.



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## **CONNECTICUT**

### **C.G.S.A. § 53a-35a. Imprisonment for felony committed on or after July 1, 1981. Definite sentence.**

#### **Authorized term**

Effective: October 1, 2013

For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:

- (1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of [section 53a-54b](#) in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with [section 53a-46a](#), or (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of [section 53a-54b](#) in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;
- (2) For the class A felony of murder, a term not less than twenty-five years nor more than life;
- (3) For the class A felony of aggravated sexual assault of a minor under [section 53a-70c](#), a term not less than twenty-five years or more than fifty years;
- (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;
- (5) For the class B felony of manslaughter in the first degree with a firearm under [section 53a-55a](#), a term not less than five years nor more than forty years;
- (6) For a class B felony other than manslaughter in the first degree with a firearm under [section 53a-55a](#), a term not less than one year nor more than twenty years;
- (7) For a class C felony, a term not less than one year nor more than ten years;
- (8) For a class D felony, a term not more than five years;
- (9) For a class E felony, a term not more than three years; and
- (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.



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## **CONNECTICUT** (continued)

### **C.G.S.A. § 53a-36. Imprisonment for misdemeanor. Definite sentence. Authorized term**

Effective: October 1, 2012

A sentence of imprisonment for a misdemeanor shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows: (1) For a class A misdemeanor, a term not to exceed one year; (2) for a class B misdemeanor, a term not to exceed six months; (3) for a class C misdemeanor, a term not to exceed three months; (4) for a class D misdemeanor, a term not to exceed thirty days; and (5) for an unclassified misdemeanor, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.

### **C.G.S.A. § 53a-41. Fines for felonies**

Effective: October 1, 2013

A fine for the conviction of a felony shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows: (1) For a class A felony, an amount not to exceed twenty thousand dollars; (2) for a class B felony, an amount not to exceed fifteen thousand dollars; (3) for a class C felony, an amount not to exceed ten thousand dollars; (4) for a class D felony, an amount not to exceed five thousand dollars; (5) for a class E felony, an amount not to exceed three thousand five hundred dollars; and (6) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime.

### **C.G.S.A. § 53a-42. Fines for misdemeanors**

Effective: October 1, 2012

A fine for the conviction of a misdemeanor shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows: (1) For a class A misdemeanor, an amount not to exceed two thousand dollars; (2) for a class B misdemeanor, an amount not to exceed one thousand dollars; (3) for a class C misdemeanor, an amount not to exceed five hundred dollars; (4) for a class D misdemeanor, an amount not to exceed two hundred fifty dollars; and (5) for an unclassified misdemeanor, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime.

### **C.G.S.A. § 53a-43. Fines for violations**

A fine for a violation shall be fixed by the court in an amount not to exceed five hundred dollars. In the case of a violation defined in any other section of the general statutes, if the amount of the fine is expressly specified in the section that defines the offense, the amount of the fine shall be fixed in accordance with such section.



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## **DISTRICT OF COLUMBIA**

### **DC ST § 22-3571.01. Fines for criminal offenses.**

Effective: June 11, 2013

(a) Notwithstanding any other provision of the law, and except as provided in [§ 22-3571.02](#), a defendant who has been found guilty of an offense under the District of Columbia Official Code punishable by imprisonment may be sentenced to pay a fine as provided in this section.

(b) An individual who has been found guilty of such an offense may be fined not more than the greatest of:

- (1) \$100 if the offense is punishable by imprisonment for 10 days or less;
- (2) \$250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;
- (3) \$500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;
- (4) \$1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;
- (5) \$2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;
- (6) \$12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;
- (7) \$25,000 if the offense is punishable by imprisonment for 10 years or less but more than 5 years;
- (8) \$37,500 if the offense is punishable by imprisonment for 15 years or less but more than 10 years;
- (9) \$50,000 if the offense is punishable by imprisonment for 20 years or less but more than 15 years;
- (10) \$75,000 if the offense is punishable by imprisonment for 30 years or less but more than 20 years;
- (11) \$125,000 if the offense is punishable by imprisonment for more than 30 years; or
- (12) \$250,000 if the offense resulted in death.

(c) An organization that has been found guilty of an offense punishable by imprisonment for 6 months or more may be fined not more than the greatest of:

- (1) Twice the maximum amount specified in the law setting forth the penalty for the offense;
- (2) Twice the applicable amount under subsection (b) of this section; or
- (3) Twice the applicable amount under [§ 22-3571.02\(a\)](#).



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**DISTRICT OF COLUMBIA** (continued)

**DC ST § 22-1807. Punishment for offenses not covered by provisions of Code.**

Formerly cited as DC ST 1981 § 22-107

Effective: June 11, 2013

Whoever shall be convicted of any criminal offense not covered by the provisions of any section of this Code, or of any general law of the United States not locally inapplicable in the District of Columbia, shall be punished by a fine not more than the amount set forth in [§ 22-3571.01](#) or by imprisonment for not more than 5 years, or both.



# OHIO

## CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

### DELAWARE

#### Delaware Sentencing Accountability Commission Benchbook 2014 (excerpt)

### RECOMMENDED MONETARY RANGES

Offense Class	Bail Guideline	Penalty-Custody	Penalty-Fine	Notes
<b>FELONIES</b>				
Murder 1 11 Del. C. § 636	Hold Without Bail* (11 Del. C. § 2103)	Death or Natural Life	no cap	Capital Offense Non-Bailable
Felony Class A	\$40,000 to \$100,000	M/M 15 years to Life	no cap	
Felony Class B	\$20,000 to \$60,000	M/M 2 to 25 years	no cap	
Felony Class C	\$5,000 to \$20,000	0-15 years	no cap	
Felony Class D	\$2,500 to \$10,000	0-8 years	no cap	
Felony Class E	\$1000 to \$6,000	0-5 years	no cap	
Felony Class F	\$500 to \$3,000	0-3 years	no cap	
Felony Class G	\$500 to \$2,000	0-2 years	no cap	
<b>MISDEMEANORS and VIOLATIONS</b>				
Misdemeanor Class A	OR to \$1,000	0-1 year	0-\$2300	
Misdemeanor Class B	OR to \$200	0-6 months	0-\$1150	
Misdemeanor (unclassified)	OR to \$100	0-30 days	0-\$575	
Violation – 1 <sup>st</sup>	OR to \$50	0-1 year probation LI	0-\$345	Subsequent violations are within a 5-year period.
Violation – 2 <sup>nd</sup>	OR to \$100	0-1 year probation LI	0-\$690	
Violation – 3 <sup>rd</sup>	OR to \$200	0-1 year probation LI	0-\$1150	

\*Only Murder 1 under 11 Del. C. § 636(a)(1) through (6) is a capital offense as of this publication. Murder 1 does not include Attempted Murder.



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## **FLORIDA**

### **West's F.S.A. § 775.081. Classifications of felonies and misdemeanors (excerpt)**

(1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Capital felony;
- (b) Life felony;
- (c) Felony of the first degree;
- (d) Felony of the second degree; and
- (e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute. Other felonies are of the particular degree designated by statute. Any crime declared by statute to be a felony without specification of degree is of the third degree, except that this provision shall not affect felonies punishable by life imprisonment for the first offense.

(2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Misdemeanor of the first degree; and
- (b) Misdemeanor of the second degree.

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

### **West's F.S.A. § 775.082. Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison (excerpt)**

Effective: October 1, 2014

(1)(a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in [s. 921.141](#) results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(b) 1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under [s. 782.04](#) of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with [s. 921.1401](#), the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(a\)](#).

## **FLORIDA**



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**FLORIDA** (continued)

2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under [s. 782.04](#) of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with [s. 921.1401](#), the court finds that life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(c\)](#).

3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under [s. 921.1402\(2\)\(a\)](#) or [\(c\)](#). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a) 1. For a life felony committed before October 1, 1983, by a term of imprisonment for life or for a term of at least 30 years.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of [s. 800.04\(5\)\(b\)](#), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of at least 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in [s. 948.012\(4\)](#).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of [s. 800.04\(5\)\(b\)](#), by a term of imprisonment for life.



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**FLORIDA** (continued)

5. Notwithstanding subparagraphs 1.-4., a person who is convicted under [s. 782.04](#) of an offense that was reclassified as a life felony which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with [s. 921.1401](#) and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(b\)](#).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(c\)](#).

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under [s. 921.1402\(2\)\(b\)](#) or [\(c\)](#). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

6. For a life felony committed on or after October 1, 2014, which is a violation of [s. 787.06\(3\)\(g\)](#), by a term of imprisonment for life.

(b) 1. For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

2. Notwithstanding subparagraph 1., a person convicted under [s. 782.04](#) of a first degree felony punishable by a term of years not exceeding life imprisonment, or an offense that was reclassified as a first degree felony punishable by a term of years not exceeding life, which was committed before the person attained 18 years of age may be punished by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with [s. 921.1401](#) and finds that a term of years equal to life imprisonment is an appropriate sentence.

a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(b\)](#).

b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(c\)](#).



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**FLORIDA** (continued)

c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under [s. 921.1402\(2\)\(b\)](#) or [\(c\)](#). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

(c) Notwithstanding paragraphs (a) and (b), a person convicted of an offense that is not included in [s. 782.04](#) but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with [s. 921.1401](#) and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with [s. 921.1402\(2\)\(d\)](#).

(d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(e) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).



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**FLORIDA** (continued)

**West's F.S.A. § 775.083. Fines (excerpt)**

Effective: July 1, 2010

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in [s. 775.082](#); when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in [s. 775.082](#). A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

- (a) \$15,000, when the conviction is of a life felony.
- (b) \$10,000, when the conviction is of a felony of the first or second degree.
- (c) \$5,000, when the conviction is of a felony of the third degree.
- (d) \$1,000, when the conviction is of a misdemeanor of the first degree.
- (e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.
- (f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.
- (g) Any higher amount specifically authorized by statute.



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## **GEORGIA**

### **Ga. Code Ann., § 16-1-3. Definitions (excerpt)**

As used in this title, the term:

- (5) “Felony” means a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months.
- (6) “Forcible felony” means any felony which involves the use or threat of physical force or violence against any person.
- (7) “Forcible misdemeanor” means any misdemeanor which involves the use or threat of physical force or violence against any person.
- (9) “Misdemeanor” and “misdemeanor of a high and aggravated nature” mean any crime other than a felony.

### **Ga. Code Ann., § 17-10-3. Misdemeanors, how punished (excerpt)**

Effective: July 1, 2015

(a) Except as otherwise provided by law, every crime declared to be a misdemeanor shall be punished as follows:

- (1) By a fine not to exceed \$1,000.00 or by confinement in the county or other jail, county correctional institution, or such other places as counties may provide for maintenance of county inmates, for a total term not to exceed 12 months, or both;
- (2) By confinement under the jurisdiction of the Board of Corrections in a state probation detention center or diversion center pursuant to [Code Sections 42-8-35.4](#) and [42-8-35.5](#), for a determinate term of months which shall not exceed a total term of 12 months; or
- (3) If the crime was committed by an inmate within the confines of a state correctional institution, by confinement under the jurisdiction of the Board of Corrections in a state correctional institution or such other institution as the Department of Corrections may direct for a term which shall not exceed 12 months.

### **Ga. Code Ann., § 17-10-5. Reducible felonies**

When a defendant is found guilty of a felony punishable by imprisonment for a maximum term of ten years or less, the judge may, in his discretion, impose punishment as for a misdemeanor.



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## **HAWAII**

### **HRS § 706-656. Terms of imprisonment for first and second degree murder and attempted first and second degree murder**

(1) Persons eighteen years of age or over at the time of the offense who are convicted of first degree murder or first degree attempted murder shall be sentenced to life imprisonment without the possibility of parole.

As part of such sentence, the court shall order the director of public safety and the Hawaii paroling authority to prepare an application for the governor to commute the sentence to life imprisonment with parole at the end of twenty years of imprisonment; provided that persons who are repeat offenders under [section 706-606.5](#) shall serve at least the applicable mandatory minimum term of imprisonment.

Persons under the age of eighteen years at the time of the offense who are convicted of first degree murder or first degree attempted murder shall be sentenced to life imprisonment with the possibility of parole.

(2) Except as provided in [section 706-657](#), pertaining to enhanced sentence for second degree murder, persons convicted of second degree murder and attempted second degree murder shall be sentenced to life imprisonment with possibility of parole. The minimum length of imprisonment shall be determined by the Hawaii paroling authority; provided that persons who are repeat offenders under [section 706-606.5](#) shall serve at least the applicable mandatory minimum term of imprisonment.

If the court imposes a sentence of life imprisonment without possibility of parole pursuant to [section 706-657](#), as part of that sentence, the court shall order the director of public safety and the Hawaii paroling authority to prepare an application for the governor to commute the sentence to life imprisonment with parole at the end of twenty years of imprisonment; provided that persons who are repeat offenders under [section 706-606.5](#) shall serve at least the applicable mandatory minimum term of imprisonment.

### **HRS § 706-659. Sentence of imprisonment for class A felony**

Notwithstanding part II; [sections 706-605](#), [706-606](#), [706-606.5](#), [706-660.1](#), [706-661](#), and [706-662](#); and any other law to the contrary, a person who has been convicted of a class A felony, except class A felonies defined in chapter 712, part IV, or [section 707-702](#), shall be sentenced to an indeterminate term of imprisonment of twenty years without the possibility of suspension of sentence or probation. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with [section 706-669](#). A person who has been convicted of a class A felony defined in chapter 712, part IV, or [section 707-702](#), may be sentenced to an indeterminate term of imprisonment, except as provided for in [section 706-660.1](#) relating to the use of firearms in certain felony offenses and [section 706-606.5](#)



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## **HAWAII** (continued)

relating to repeat offenders. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be twenty years. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with [section 706-669](#).

### **HRS § 706-660. Sentence of imprisonment for class B and C felonies; ordinary terms; discretionary terms**

(1) Except as provided in subsection (2), a person who has been convicted of a class B or class C felony may be sentenced to an indeterminate term of imprisonment except as provided for in section 706-660.5 relating to the use of firearms in certain felony offenses and [section 706-606.5](#) relating to repeat offenders. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (a) For a class B felony--ten years; and
- (b) For a class C felony--five years.

The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with [section 706-669](#).

(2) A person who has been convicted of a class B or class C felony for any offense under part IV of chapter 712 may be sentenced to an indeterminate term of imprisonment; provided that this subsection shall not apply to sentences imposed under [sections 706-606.5, 706-660.1, 712-1240.5, 712-1240.8, 712-1242, 712-1245, 712-1249.5, 712-1249.6, 712-1249.7, and 712-1257](#).

When ordering a sentence under this subsection, the court shall impose a term of imprisonment which shall be as follows:

- (a) For a class B felony--ten years or less, but not less than five years; and
- (b) For a class C felony--five years or less, but not less than one year.

The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with [section 706-669](#).



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## **HAWAII** (continued)

### **HRS § 706-663. Sentence of imprisonment for misdemeanor and petty misdemeanor**

After consideration of the factors set forth in [sections 706-606](#) and [706-621](#), the court may sentence a person who has been convicted of a misdemeanor or a petty misdemeanor to imprisonment for a definite term to be fixed by the court and not to exceed one year in the case of a misdemeanor or thirty days in the case of a petty misdemeanor.

### **HRS § 706-640. Authorized fines**

(1) A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

(a) \$50,000, when the conviction is of a class A felony, murder in the first or second degree, or attempted murder in the first or second degree;

(b) \$25,000, when the conviction is of a class B felony;

(c) \$10,000, when the conviction is of a class C felony;

(d) \$2,000, when the conviction is of a misdemeanor;

(e) \$1,000, when the conviction is of a petty misdemeanor or a violation;

(f) Any higher amount equal to double the pecuniary gain derived from the offense by the defendant;

(g) Any higher or lower amount specifically authorized by statute.

(2) Notwithstanding [section 706-641](#), the court shall impose a mandatory fine upon any defendant convicted of theft in the first or second degree committed by receiving stolen property as set forth in [section 708-830\(7\)](#). The fine imposed shall be the greater of double the value of the stolen property received or \$25,000 in the case of a conviction for theft in the first degree; or the greater of double the value of the stolen property received or \$10,000 in the case of a conviction for theft in the second degree. The mandatory fines imposed by this subsection shall not be reduced except and only to the extent that payment of the fine prevents the defendant from making restitution to the victim of the offense, or that the defendant's property, real or otherwise, has been forfeited under chapter 712A as a result of the same conviction for which the defendant is being fined under this subsection. Consequences for nonpayment shall be governed by [section 706-644](#); provided that the court shall not reduce the fine under [section 706-644\(4\)](#) or [706-645](#).



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## **IDAHO**

### **I.C. § 18-111. Felony, misdemeanor and infraction defined**

A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding three hundred dollars (\$300) and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the state prison is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

### **I.C. § 18-112. Punishment for felony**

Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony is punishable by imprisonment in the state prison not exceeding five (5) years, or by fine not exceeding fifty thousand dollars (\$50,000), or by both such fine and imprisonment.

### **I.C. § 18-112A. Fine authorized**

In addition to any other punishment prescribed for felonies in specific statutes of the Idaho Code, the court may also impose a fine of up to fifty thousand dollars (\$50,000). This section shall not apply if the specific felony statute provides for the imposition of a fine.

### **I.C. § 18-113. Punishment for misdemeanor**

(1) Except in cases where a different punishment is prescribed in this code, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

(2) In addition to any other punishment prescribed for misdemeanors in specific statutes of the Idaho Code, the court may also impose a fine of up to one thousand dollars (\$1,000). This paragraph shall not apply if the specific misdemeanor statute provides for the imposition of a fine.



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**IDAHO** (continued)

**I.C. § 18-113A. Punishment for infraction**

Every offense declared to be an infraction is punishable only by a penalty not exceeding three hundred dollars (\$300) as provided in this section and no imprisonment. The penalty for an infraction shall be:

- (1) The amount set by statute;
- (2) Subject to subsection (1) of this section, the amount set as a fixed penalty for that infraction as of January 1, 2014, by the Idaho supreme court [infraction rule 9](#), excepting subsection (38) of [infraction rule 9](#) for “other infractions”;
- (3) The amount set by city or county ordinance for which the city or county has authority to impose a penalty and which is not otherwise set under subsection (1) or (2) of this section; or
- (4) Fifteen dollars and fifty cents (\$15.50) for an infraction without a specific penalty set under subsection (1), (2) or (3) of this section.



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**ILLINOIS**

Chart from <http://www.ilga.gov/commission/lru/2014PFC.pdf>



ILLINOIS GENERAL ASSEMBLY  
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**PENALTIES FOR CRIMES IN ILLINOIS**

Category of crime	Usual prison or jail term	Possible extended term <sup>1</sup>	Probation in lieu of confinement <sup>2</sup>	Mandatory supervised release term <sup>3</sup>	Maximum fine <sup>4</sup>
<b>MURDER</b>					
First-degree	Life, no parole <sup>5</sup> 20-60 years <sup>6</sup>	— 60-100 years	Not allowed Not allowed	— 3 years	\$25,000*
Second-degree	4-20 years	15-30 years	4 years	2 years	
<b>HABITUAL CRIMINAL<sup>7</sup></b>					
	Life, no parole	—	Not allowed	—	—
<b>FELONY</b>					
Class X	6-30 years	30-60 years	Not allowed	3 years	\$25,000* (or more if specified; \$50,000* if a corporation)
1	4-15 years	15-30 years <sup>8</sup>	Up to 4 years <sup>9</sup>	2 years	
2	3-7 years	7-14 years <sup>8</sup>	Up to 4 years <sup>9</sup>	2 years	
3	2-5 years	5-10 years	Up to 2½ years	1 year	
4	1-3 years	3-6 years	Up to 2½ years	1 year	
<b>MISDEMEANOR</b>					
Class A	Under 1 year	—	Up to 2 years	—	\$2,500*
B	Up to 6 months	—	Up to 2 years	—	1,500*
C	Up to 30 days	—	Up to 2 years	—	1,500*
<b>PETTY OFFENSE</b>					
	—	—	Up to 6 months	—	Amount specified; limited to \$1,000*
<b>BUSINESS OFFENSE</b>					
	—	—	—	—	Amount specified
<b>TRAFFIC VIOLATION</b>					
	—	—	—	—	Varied amounts <sup>10</sup>

\* Most fines are subject to mandatory surcharges of at least one-fourth the amount imposed. Note 4 on the reverse side gives details.

Note: This summary of Illinois' complex sentencing provisions lists the normal penalties for each class of crime. Laws defining some crimes set higher penalties than the normal penalties for their classes. Numbered notes are on the reverse side.



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## **INDIANA**

### **IC 35-50-2-1. Definitions**

Effective: July 1, 2014

Sec. 1. (a) As used in this chapter, “Level 6 felony conviction” means:

(1) a conviction in Indiana for:

- (A) a Class D felony, for a crime committed before July 1, 2014; or
- (B) a Level 6 felony, for a crime committed after June 30, 2014; and

(2) a conviction, in any other jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year.

However, the term does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor entered under [IC 35-38-1-1.5](#) or section 7(c) or 7(d) of this chapter.

(b) As used in this chapter, “felony conviction” means a conviction, in any jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year. However, it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor under [section 7\(c\)](#) of this chapter.

(c) As used in this chapter, “minimum sentence” means:

- (1) for murder, forty-five (45) years;
- (2) for a Class A felony, for a crime committed before July 1, 2014, twenty (20) years;
- (3) for a Class B felony, for a crime committed before July 1, 2014, six (6) years;
- (4) for a Class C felony, for a crime committed before July 1, 2014, two (2) years;
- (5) for a Class D felony, for a crime committed before July 1, 2014, one-half (  $\frac{1}{2}$  ) year;
- (6) for a Level 1 felony, for a crime committed after June 30, 2014, twenty (20) years;
- (7) for a Level 2 felony, for a crime committed after June 30, 2014, ten (10) years;
- (8) for a Level 3 felony, for a crime committed after June 30, 2014, three (3) years;
- (9) for a Level 4 felony, for a crime committed after June 30, 2014, two (2) years;
- (10) for a Level 5 felony, for a crime committed after June 30, 2014, one (1) year; and
- (11) for a Level 6 felony, for a crime committed after June 30, 2014, one-half (  $\frac{1}{2}$  ) year.

### **IC 35-50-2-3. Murder**

Effective: July 1, 2015

Sec. 3. (a) A person who commits murder shall be imprisoned for a fixed term of between forty-five (45) and sixty-five (65) years, with the advisory sentence being fifty-five (55) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).



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## **INDIANA** (continued)

(b) Notwithstanding subsection (a), a person who was:

(1) at least eighteen (18) years of age at the time the murder was committed may be sentenced to:

(A) death; or

(B) life imprisonment without parole; and

(2) at least sixteen (16) years of age but less than eighteen (18) years of age at the time the murder was committed may be sentenced to life imprisonment without parole; under [section 9](#) of this chapter unless a court determines under IC 35-36-9 that the person is an individual with an intellectual disability.

### **IC 35-50-2-4. Class A/Level 1 felony**

Effective: July 1, 2014

Sec. 4. (a) A person who commits a Class A felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) Except as provided in subsection (c), a person who commits a Level 1 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between twenty (20) and forty (40) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) A person who commits a Level 1 felony child molesting offense described in:

(1) [IC 35-31.5-2-72\(1\)](#); or

(2) [IC 35-31.5-2-72\(2\)](#);

shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

### **IC 35-50-2-4.5. Level 2 felony; penalty**

Effective: July 1, 2014

Sec. 4.5. A person who commits a Level 2 felony shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen and one-half (17 ½) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).



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**INDIANA** (continued)

**IC 35-50-2-5. Class B/Level 3 felony**

Effective: July 1, 2014

Sec. 5. (a) A person who commits a Class B felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 3 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between three (3) and sixteen (16) years, with the advisory sentence being nine (9) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

**IC 35-50-2-5.5. Level 4 felony; penalty**

Effective: July 1, 2014

Sec. 5.5. A person who commits a Level 4 felony shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being six (6) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

**IC 35-50-2-6. Class C/Level 5 felony; nonsupport of a child as Class D/Level 6 felony**

Effective: July 1, 2014

Sec. 6. (a) A person who commits a Class C felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 5 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between one (1) and six (6) years, with the advisory sentence being three (3) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(c) Notwithstanding subsections (a) and (b), if a person commits nonsupport of a child as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014) under [IC 35-46-1-5](#), the sentencing court may convert the Class C felony conviction to a Class D felony conviction or a Level 5 felony conviction to a Level 6 felony conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing in which the prosecuting attorney has been notified, the court makes the following findings:

- (1) The person has successfully completed probation as required by the person's sentence.
- (2) The person has satisfied other obligations imposed on the person as required by the person's sentence.
- (3) The person has paid in full all child support arrearages due that are named in the information and no further child support arrearage is due.



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**INDIANA** (continued)

(4) The person has not been convicted of another felony since the person was sentenced for the underlying nonsupport of a child felony.

(5) There are no criminal charges pending against the person.

(d) A petition filed under subsection (c) must be verified and set forth the following:

(1) A statement that the person was convicted of nonsupport of a child under [IC 35-46-1-5](#).

(2) The date of the conviction.

(3) The date the person completed the person's sentence.

(4) The amount of the child support arrearage due at the time of conviction.

(5) The date the child support arrearage was paid in full.

(6) A verified statement that no further child support arrearage is due.

(7) Any other obligations imposed on the person as part of the person's sentence.

(8) The date the obligations were satisfied.

(9) A verified statement that there are no criminal charges pending against the person.

(e) A person whose conviction has been converted to a lower penalty under this section is eligible to seek expungement under [IC 35-38-9-3](#) with the date of conversion used as the date of conviction to calculate time frames under [IC 35-38-9](#).

**IC 35-50-2-7. Class D/Level 6 felony**

Effective: July 1, 2014

Sec. 7. (a) A person who commits a Class D felony (for a crime committed before July 1, 2014) shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 ½ ) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 ½ ) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).



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**INDIANA** (continued)

(c) Notwithstanding subsections (a) and (b), if a person has committed a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years before the second felony was committed;

(2) the offense is domestic battery as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-42-2-1.3](#); or

(3) the offense is possession of child pornography ([IC 35-42-4-4\(c\)](#)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(d) Notwithstanding subsections (a) and (b), the sentencing court may convert a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014) to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (e) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in [IC 11-8-8-5](#)).

(2) The person was not convicted of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under [IC 35-44.1-2-1](#) (or [IC 35-44-2-1](#) before its repeal) or official misconduct under [IC 35-44.1-1-1](#) (or [IC 35-44-1-2](#) before its repeal).



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**INDIANA** (continued)

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D or Level 6 felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D or Level 6 felony.

(6) No criminal charges are pending against the person.

(e) A petition filed under subsection (d) or (f) must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.

(f) If a person whose Class D or Level 6 felony conviction has been converted to a Class A misdemeanor conviction under subsection (d) is convicted of a felony not later than five (5) years after the conversion under subsection (d), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction (for a crime committed before July 1, 2014) or a Level 6 felony conviction (for a crime committed after June 30, 2014).

**IC 35-50-3-2. Class A misdemeanor**

Sec. 2. A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one (1) year; in addition, he may be fined not more than five thousand dollars (\$5,000).



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**INDIANA** (continued)

**IC 35-50-3-3. Class B misdemeanor**

Sec. 3. A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty (180) days; in addition, he may be fined not more than one thousand dollars (\$1,000).

**IC 35-50-3-4. Class C Misdemeanor**

Sec. 4. A person who commits a Class C misdemeanor shall be imprisoned for a fixed term of not more than sixty (60) days; in addition, he may be fined not more than five hundred dollars (\$500).



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**IOWA**

**Iowa Legislative Services Agency, Legislative Guide: Criminal Law Overview December 2014 (excerpt)**

**III. Categories of Criminal Penalties**

**General Classifications.** In general, crimes in Iowa are classified as felonies or misdemeanors. Within the general felony and misdemeanor categories, various offense classes typically carry uniform minimum and maximum penalties.<sup>11</sup> However, mandatory minimum sentences, penalty enhancements, and limitations on parole have been added, which has led to increased sentence lengths in some offense classes.

**A. Felonies**

**Overview.** A criminal offense is a felony when the statute defining the crime declares it to be a felony.<sup>12</sup> Felonies are classified in descending order of severity from class "A" felonies to class "D" felonies.<sup>13</sup> Where an offense is declared to be a felony, but no other designation is given, the offense is a class "D" felony by definition under Iowa Code section 701.7.

**Class "A" Felonies.** Class "A" felonies are the most serious offenses under Iowa law and are punishable only by a mandatory life sentence, without possibility for parole or

<sup>3</sup> State v. Canas, 597 N.W.2d 488, 495 (Iowa 1999); negative treatment on other grounds in State v. Turner, 630 N.W.2d 601, 606 (Iowa 2001).

<sup>4</sup> Eggman at 79.

<sup>5</sup> Iowa Criminal Jury Instruction 200.1.

<sup>6</sup> Iowa Code §321J.2(1) (operating a motor vehicle while intoxicated) and Iowa Code §709.4(1)(b) (sexual abuse in the third degree).

<sup>7</sup> Iowa Code §321J.2 (operating while intoxicated) and Iowa Code §709.4(1)(b) (sexual abuse in the third degree). See State v. Boleyn, 547 N.W.2d 202, 204 (Iowa 1996), (operating while intoxicated consists of two essential elements: (1) operation of a motor vehicle (2) while under the influence); and State v. Tague, 310 N.W.2d 209, 212 (Iowa 1981) (mistake of fact is no defense to sexual abuse in the third degree involving a minor).

<sup>8</sup> Canas at 495.

<sup>9</sup> Iowa Code §707.2 (murder in the first degree) and Iowa Code §708.1 (elements of varying degrees of assault).

<sup>10</sup> Iowa Criminal Jury Instruction 200.2.

<sup>11</sup> Iowa Code §902.9 (felonies) and Iowa Code §903.1 (misdemeanors).

<sup>12</sup> Iowa Code §701.7.

<sup>13</sup> Iowa Code §§902.1 and 902.9.

\*continued on page 37, page 38 and page 39



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probation.<sup>14</sup> A class “A” felon can be released from the custody and control of the Iowa Department of Corrections only through a pardon or commutation of the felon’s sentence to a term of years by the Governor.<sup>15</sup>

**Class “A” Felonies — Juveniles.** The United States Supreme Court in *Graham v. Florida* ruled that a sentence requiring a juvenile to serve a life sentence with no possibility of parole for an offense other than murder constitutes cruel and unusual punishment under the Eighth Amendment to the United States Constitution.<sup>16</sup> After the *Graham* decision, Iowa changed the law to exclude a person under 18 years of age convicted of a class “A” felony, other than murder in the first degree, from serving a life sentence without parole.<sup>17</sup> Under current law, a person convicted of a class “A” felony, other than murder in the first degree, is eligible for parole after serving a minimum term of confinement of 25 years if the person was under the age of 18 at the time the offense was committed.<sup>18</sup> In a subsequent opinion, the United States Supreme Court in *Miller v. Alabama* ruled that a sentence requiring a mandatory life sentence for a juvenile who commits murder also constitutes cruel and unusual punishment under the Eighth Amendment to the United States Constitution.<sup>19</sup> The Court’s majority emphasized that the ruling does not categorically bar a juvenile who commits murder from serving a life sentence but instead requires the jurisdiction to follow a process and consider an offender’s youth and other circumstances prior to sentencing.<sup>20</sup>

**Juvenile Convictions — Developing Case Law.** The Iowa Supreme Court has filed three recent opinions relating to juvenile sentencing. In the first two cases, in 2013, a juvenile was convicted in adult court of a serious offense other than a class “A” felony and both were sentenced to lengthy mandatory minimum sentences requiring service of 70 percent of the sentence.<sup>21</sup> The Court stated that the lengthy sentences triggered the protections afforded a juvenile under *Miller v. Alabama*, namely an individualized sentencing hearing to determine whether the juvenile should be parole-eligible prior to the expiration of any mandatory minimum sentence.

In 2014, the Iowa Supreme Court in *State v. Lyle* went further and concluded that all mandatory minimum sentences of imprisonment for a juvenile are unconstitutional under the Cruel and Unusual Punishment Clause in Article I, Section 17, of the Iowa

<sup>14</sup> Iowa Code §902.1(1).

<sup>15</sup> See generally, Iowa Const. art. IV, §16; Iowa Code §902.1.

<sup>16</sup> *Graham v. Florida*, 130 S. Ct. 43 (2009).

<sup>17</sup> Iowa Code §902.1(2).

<sup>18</sup> Iowa Code §902.1(2).

<sup>19</sup> *Miller v. Alabama*, 132 S. Ct. 2455 (2012).

<sup>20</sup> *Id.* at 2471. As of September 2012, Iowa had 38 offenders who committed the class “A” felony of murder in the first degree while the offender was a juvenile. Governor Branstad in response to the *Miller* case commuted all these class “A” sentences from a life sentence without the possibility of parole to a life sentence with the possibility of parole after serving 60 years of the sentence. Discussion with Brenna Findley, Legal Counsel to the Governor (August 2012). The Iowa Supreme Court recently affirmed the resentencing of a person subject to the Governor’s 60-year sentence commutation order because the order was the functional equivalent of a life sentence without parole. See *State v. Ragland*, 812 N.W.2d 654 (Iowa, 2013). The Iowa Supreme Court in *Ragland* further stated that the district court properly complied with *Miller* by resentencing the defendant from a life sentence without parole to a life sentence with the possibility of parole after serving 25 years.

<sup>21</sup> See *State v. Null*, 836 N.W.2d 41, 76 (Iowa 2013) and *State v. Pearson*, 836 N.W.2d 88, 98 (Iowa 2013).



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Constitution.<sup>22</sup> However, the Court stated the *Lyle* decision does not prohibit a judge from sentencing a juvenile to prison for the length of time identified by the legislature for the crime committed as long as that sentence is not mandatory.<sup>23</sup> The Court specified that this case will apply to all juveniles serving a mandatory sentence of imprisonment. Therefore, this case will require all persons who are in prison under a mandatory sentence for a crime committed as a juvenile to be resentenced.<sup>24</sup> The Court stated that “[e]ven if the resentencing does not alter the sentence for most juveniles, or any juvenile, the action taken by a district judge in each resentencing will honor the decency and humanity embedded in the [Cruel and Unusual Punishment Clause of the Iowa Constitution].”<sup>25</sup>

**Class “B” Felonies.** Class “B” felonies are punishable by confinement for no more than 25 years.<sup>26</sup> However, the following class “B” felonies are punishable by confinement for no more than 50 years:

- Certain felony drug offenses.<sup>27</sup>
- Murder in the second degree.<sup>28</sup>
- Multiple acts of child endangerment.<sup>29</sup>
- Railroad vandalism involving a death.<sup>30</sup>

**Class “C” Felonies.** Class “C” felonies are punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$10,000.<sup>31</sup>

**Class “D” Felonies.** Class “D” felonies are punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.<sup>32</sup>

**Other Felony Penalties.** A person convicted of manufacturing or possession with the intent to deliver methamphetamine or amphetamine to a minor commits a felony that is punishable by confinement for no more than 99 years.<sup>33</sup> If a person is convicted of a second or subsequent offense, the offense is classified as a class “A” felony.<sup>34</sup> A person convicted of a third or subsequent offense of operating while intoxicated commits a class “D” felony and may be committed to the custody of the Director of the Department of Corrections and assigned to a treatment facility pursuant to Iowa Code section 904.513.<sup>35</sup> If the court suspends a person’s sentence of commitment to the custody of the Director of the Department of Corrections, the court shall order the person to serve at least 30 days

<sup>22</sup> State v. Lyle, No. 11-1339, at 41 (Iowa July 18, 2014; amended Sept 30, 2014).

<sup>23</sup> Id. at 46.

<sup>24</sup> Id.

<sup>25</sup> Id. at 46-47.

<sup>26</sup> Iowa Code §902.9(1)(b).

<sup>27</sup> Iowa Code §124.401(1)(a).

<sup>28</sup> Iowa Code §707.3.

<sup>29</sup> Iowa Code §726.6A.

<sup>30</sup> Iowa Code §718.10(2)(a).

<sup>31</sup> Iowa Code §902.9(1)(d).

<sup>32</sup> Iowa Code §902.9(1)(e).

<sup>33</sup> Iowa Code §§124.401D and 902.9(1)(a).

<sup>34</sup> Iowa Code §124.401D(1)(c).

<sup>35</sup> Iowa Code §321J.2(5)(a)(1).



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and up to one year in the county jail and may order the person committed to treatment in the community.<sup>36</sup>

### B. Misdemeanors

**Overview.** All public offenses which are not felonies are misdemeanors.<sup>37</sup> Misdemeanors are classified as aggravated, serious, and simple misdemeanors, in decreasing order of severity.<sup>38</sup> Where an act is declared to be a public offense, crime, or misdemeanor, but no other designation is given, the act is a simple misdemeanor by definition under Iowa Code section 701.8.

**Aggravated Misdemeanors.** The penalty for an aggravated misdemeanor is imprisonment not to exceed two years in a facility operated by the Department of Corrections and a fine of not less than \$625 but not more than \$6,250.<sup>39</sup> However, the court may impose a sentence of confinement for a determinate term of one year or less to be served in the county jail.<sup>40</sup>

**Serious Misdemeanors.** The penalty for a serious misdemeanor is a fine of not less than \$315 but not more than \$1,875. Imprisonment for up to one year in the county jail may also be ordered.<sup>41</sup>

**Simple Misdemeanors.** The penalty for a simple misdemeanor is a fine of at least \$65 but not more than \$625. Imprisonment for up to 30 days in the county jail may be ordered in addition to or in lieu of the fine.<sup>42</sup>

**Scheduled Violations.** In addition to the classified misdemeanors, a class of offenses known as scheduled violations is created in Iowa Code section 805.8. A scheduled violation is a violation of state, county, or city statute or ordinance for which the applicable penalty is a specific fine amount, which is listed in Iowa Code sections 805.8A, 805.8B, and 805.8C. Persons who commit acts which are scheduled violations are generally issued a citation or ticket and do not serve any term of confinement.<sup>43</sup>



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## **KANSAS**

### Felony Sentencing Nondrug Offenses 2015

### Felony Sentencing Drug Offenses 2015

#### **K.S.A. 21-6611. Fines; crimes committed on or after July 1, 1993**

Formerly cited as K.S.A. 21-4503a

(a) A person who has been convicted of a felony may, in addition to the sentence authorized by law, be ordered to pay a fine which shall be fixed by the court as follows:

(1) For any off-grid felony crime, or any felony ranked in severity level 1 of the drug grid committed prior to July 1, 2012, or in severity levels 1 or 2 of the drug grid committed on or after July 1, 2012, as provided in [K.S.A. 21-6805](#), and amendments thereto, a sum not exceeding \$500,000;

(2) for any felony ranked in severity levels 1 through 5 of the nondrug grid as provided in [K.S.A. 21-6804](#), and amendments thereto, or in severity levels 2 or 3 of the drug grid committed prior to July 1, 2012, or in severity levels 3 or 4 of the drug grid committed on or after July 1, 2012, as provided in [K.S.A. 21-6805](#), and amendments thereto, a sum not exceeding \$300,000; and

(3) for any felony ranked in severity levels 6 through 10 of the nondrug grid as provided in [K.S.A. 21-6804](#), and amendments thereto, or in severity level 4 of the drug grid committed prior to July 1, 2012, or in severity level 5 of the drug grid committed on or after July 1, 2012, as provided in [K.S.A. 21-6805](#), and amendments thereto, a sum not exceeding \$100,000.

(b) A person who has been convicted of a misdemeanor, in addition to or instead of the imprisonment authorized by law, may be sentenced to pay a fine which shall be fixed by the court as follows:

(1) For a class A misdemeanor, a sum not exceeding \$2,500;

(2) for a class B misdemeanor, a sum not exceeding \$1,000;

(3) for a class C misdemeanor, a sum not exceeding \$500; and

(4) for an unclassified misdemeanor, any sum authorized by the statute that defines the crime. If no penalty is provided in such law, the fine shall not exceed the fine provided herein for a class C misdemeanor.

(c) As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender.



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**KANSAS** (continued)

(d) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court, not exceeding \$500.

(e) A person who has been convicted of a cigarette or tobacco infraction shall be sentenced to pay a fine of \$25.

(f) The provisions of this section shall apply to crimes committed on or after July 1, 1993.



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## **KENTUCKY**

### **KRS § 532.020. Designation of offenses**

(1) Any offense defined outside this code for which a law outside this code provides a sentence to a term of imprisonment in the state for:

(a) At least one (1) but not more than five (5) years shall be deemed a Class D felony;

(b) At least five (5) but not more than ten (10) years shall be deemed a Class C felony;

(c) At least ten (10) but not more than twenty (20) years shall be deemed a Class B felony;

(d) For at least twenty (20) but not more than fifty (50) years or for life shall be deemed a Class A felony.

(2) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum which falls between ninety (90) days and twelve (12) months shall be deemed a Class A misdemeanor.

(3) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum of less than ninety (90) days shall be deemed a Class B misdemeanor.

(4) Any offense defined outside this code for which a law outside this code provides a sentence to a fine only or to any other punishment, whether in combination with a fine or not, other than death or imprisonment shall be deemed a violation.

### **KRS § 532.060. Sentence of imprisonment for felony; postincarceration supervision**

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to [KRS 532.070](#).

(2) Unless otherwise provided by law, the authorized maximum terms of imprisonment for felonies are:

(a) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;

(b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;

(c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and

(d) For a Class D felony, not less than one (1) year nor more than five (5) years.



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## **KENTUCKY** (continued)

(3) For any felony specified in KRS Chapter 510, [KRS 530.020](#), [530.064\(1\)\(a\)](#), or [531.310](#), the sentence shall include an additional five (5) year period of postincarceration supervision which shall be added to the maximum sentence rendered for the offense. During this period of postincarceration supervision, if a defendant violates the provisions of postincarceration supervision, the defendant may be reincarcerated for:

(a) The remaining period of his initial sentence, if any is remaining; and

(b) The entire period of postincarceration supervision, or if the initial sentence has been served, for the remaining period of postincarceration supervision.

(4) In addition to the penalties provided in this section, for any person subject to a period of postincarceration supervision pursuant to [KRS 532.400](#) his or her sentence shall include an additional one (1) year period of postincarceration supervision following release from incarceration upon expiration of sentence if the offender is not otherwise subject to another form of postincarceration supervision. During this period of postincarceration supervision, if an offender violates the provisions of supervision, the offender may be reincarcerated for the remaining period of his or her postincarceration supervision.

(5) The actual time of release within the maximum established by subsection (1), or as modified pursuant to [KRS 532.070](#), shall be determined under procedures established elsewhere by law.

### **KRS § 532.090. Sentence of imprisonment for misdemeanor**

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

(1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and

(2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.

### **KRS § 534.030. Fines for felonies**

(1) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any felony shall, in addition to any other punishment imposed upon him, be sentenced to pay a fine in an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000) or double his gain from commission of the offense, whichever is the greater.



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## **KENTUCKY** (continued)

(2) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

- (a) The defendant's ability to pay the amount of the fine;
- (b) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;
- (c) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and
- (d) The amount of the defendant's gain, if any, derived from the commission of the offense.

(3) When a defendant is convicted of two (2) or more felonies committed through a single act and is sentenced to fines pursuant to subsection (1), the aggregate amount of the fines shall not exceed ten thousand dollars (\$10,000) or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.

(5) This section shall not apply to a corporation.

### **KRS § 534.040. Fines for misdemeanors and violations**

(1) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized, a fine may be levied in addition to the imprisonment, or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(2) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him, to pay a fine in an amount not to exceed:

- (a) For a Class A misdemeanor, five hundred dollars (\$500); or
- (b) For a Class B misdemeanor, two hundred fifty dollars (\$250); or
- (c) For a violation, two hundred fifty dollars (\$250).

(3) This section shall not apply to a corporation.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.



## **LOUISIANA**

### **LSA-R.S. 14:2m (excerpt)**

#### § 2. Definitions

Effective: August 1, 2014

A. In this Code the terms enumerated shall have the designated meanings:

(1) "Another" refers to any other person or legal entity, including the state of Louisiana or any subdivision thereof.

(2) "Anything of value" must be given the broadest possible construction, including any conceivable thing of the slightest value, movable or immovable, corporeal or incorporeal, public or private, and including transportation, telephone and telegraph services, or any other service available for hire. It must be construed in the broad popular sense of the phrase, not necessarily as synonymous with the traditional legal term "property." In all cases involving shoplifting the term "value" is the actual retail price of the property at the time of the offense.

(3) "Dangerous weapon" includes any gas, liquid or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.

(4) "Felony" is any crime for which an offender may be sentenced to death or imprisonment at hard labor.

(5) "Foreseeable" refers to that which ordinarily would be anticipated by a human being of average reasonable intelligence and perception.

(6) "Misdemeanor" is any crime other than a felony.

(7) "Person" includes a human being from the moment of fertilization and implantation and also includes a body of persons, whether incorporated or not.

(8) "Property" refers to both public and private property, movable and immovable, and corporeal and incorporeal property.

(9) "Public officer," "public office," "public employee" or "position of public authority" means and applies to any executive, ministerial, administrative, judicial, or legislative officer, office, employee or position of authority respectively, of the state of Louisiana or any parish, municipality, district, or other political subdivision thereof, or of any agency, board, commission, department or institution of said state, parish, municipality, district, or other political subdivision.



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**LOUISIANA** (continued)

(10) “State” means the state of Louisiana, or any parish, municipality, district, or other political subdivision thereof, or any agency, board, commission, department or institution of said state, parish, municipality, district or other political subdivision.

(11) “Unborn child” means any individual of the human species from fertilization and implantation until birth.

(12) “Whoever” in a penalty clause refers only to natural persons insofar as death or imprisonment is provided, but insofar as a fine may be imposed “whoever” in a penalty clause refers to any person.



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## **MAINE**

### **17-A M.R.S.A. § 1251. Imprisonment for murder**

A person convicted of the crime of murder shall be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court shall specify the length of the sentence to be served and shall commit the person to the Department of Corrections.

In setting the length of imprisonment, if the victim is a child who had not in fact attained the age of 6 years at the time the crime was committed or if the victim is a woman that the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process. The court shall assign special weight to any subjective victim impact in determining the final sentence in the 2nd and final step in the sentencing process. Nothing in this paragraph may be construed to restrict a court in setting the length of imprisonment from considering the age of the victim in other circumstances when relevant.

### **17-A M.R.S.A. § 1252. Imprisonment for crimes other than murder (excerpt)**

Effective: October 9, 2013

**1.** In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein. Except as provided in subsection 7, the place of imprisonment must be as follows.

**A.** For a Class D or Class E crime the court must specify a county jail as the place of imprisonment.

**B.** For a Class A, Class B or Class C crime the court must:

**(1)** Specify a county jail as the place of imprisonment if the term of imprisonment is 9 months or less; or

**(2)** Commit the person to the Department of Corrections if the term of imprisonment is more than 9 months.

**C. Repealed.** Laws [1995, c. 425, § 2.](#)



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**MAINE** (continued)

**2.** The court shall set the term of imprisonment as follows:

- A. In the case of a Class A crime, the court shall set a definite period not to exceed 30 years;
- B. In the case of a Class B crime, the court shall set a definite period not to exceed 10 years;
- C. In the case of a Class C crime, the court shall set a definite period not to exceed 5 years;
- D. In the case of a Class D crime, the court shall set a definite period of less than one year; or
- E. In the case of a Class E crime, the court shall set a definite period not to exceed 6 months.

**17-A M.R.S.A. § 1301. Amounts authorized (excerpt)**

Effective: September 28, 2011

**1. Repealed.** Laws [1989, c. 872, § 3.](#)

**1-A.** A natural person who has been convicted of a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine, unless the law that the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized in that law. Subject to these sentences and to section 1302, the fine may not exceed:

- A. \$50,000 for a Class A crime;
- B. \$20,000 for a Class B crime;
- C. \$5,000 for a Class C crime;
- D. \$2,000 for a Class D crime;
- E. \$1,000 for a Class E crime; and
- F. Regardless of the classification of the crime, any higher amount that does not exceed twice the pecuniary gain derived from the crime by the defendant.

**2.** As used in this section, “pecuniary gain” means the amount of money or the value of property at the time of the commission of the crime derived by the defendant from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized by or surrendered to lawful authority prior to the time sentence is imposed. When the court imposes a fine based on the amount of gain, the court shall make a finding as to the defendant’s gain from the crime. If the record does not contain sufficient evidence to support a finding, the court may conduct, in connection with its imposition of sentence, a hearing on this issue.



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**MAINE** (continued)

**3.** If the defendant convicted of a crime is an organization and the law that the organization is convicted of violating expressly provides that the fine it authorizes may not be suspended, the organization must be sentenced to pay the fine authorized in that law. Otherwise, the maximum allowable fine that such a defendant may be sentenced to pay is:

- A.** Any amount for murder;
- B.** \$100,000 for a Class A crime;
- C.** \$40,000 for a Class B crime;
- D.** \$20,000 for a Class C crime;
- E.** \$10,000 for a Class D crime or a Class E crime; and
- F.** Any higher amount that does not exceed twice the pecuniary gain derived from the crime by the convicted organization.



CRIMINAL SENTENCING COMMISSION

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## **MARYLAND**

**Maryland Sentencing Guidelines Manual version 7.1, effective February 1, 2015 (excerpt)**

\*continued on page 51, page 52 and page 53



**OHIO**  
CRIMINAL SENTENCING COMMISSION

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**Table 8-1. Sentencing Matrix for Offenses Against Persons**

<i>Offense Score</i>	<i>Offender Score</i>							
	0	1	2	3	4	5	6	7 or more
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
15	25Y-L	30Y-L	35Y-L	L	L	L	L	L

P=Probation, M=Months, Y=Years, L=Life



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### 8.3 Drug Offenses

To find the recommended guidelines sentence for a drug offense use Table 8-2, the sentencing matrix for drug offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

Table 8-2. Sentencing Matrix for Drug Offenses

<i>Offense Seriousness Category</i>	<i>Offender Score</i>							
	0	1	2	3	4	5	6	7 or more
VII	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-2Y
VI	Available for future use. There are currently no seriousness category VI drug offenses.							
V	P-6M	P-12M	3M-12M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y
IV	P-12M	P-18M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y	3.5Y-10Y
III-A Marijuana import 45 kilograms or more, and MDMA 750 grams or more	P-18M	P-2Y	6M-2Y	1Y-4Y	2Y-6Y	3Y-8Y	4Y-12Y	10Y-20Y
III-B Non-marijuana and non-MDMA, Except Import	6M-3Y	1Y-3Y	18M-4Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
III-C Non-marijuana and non-MDMA, Import	1Y-4Y	2Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y
II	20Y-24Y	22Y-26Y	24Y-28Y	26Y-30Y	28Y-32Y	30Y-36Y	32Y-37Y	35Y-40Y

P=Probation, M=Months, Y=Years



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## 8.4 Property Offenses

To find the recommended guidelines sentence for a property offense use Table 8-3, the sentencing matrix for property offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

Table 8-3. Sentencing Matrix for Property Offenses

<i>Offense Seriousness Category</i>	<i>Offender Score</i>							
	0	1	2	3	4	5	6	7 or more
<b>VII</b>	P-1M	P-3M	3M-9M	6M-1Y	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
<b>VI</b>	P-3M	P-6M	3M-1Y	6M-2Y	1Y-3Y	2Y-5Y	3Y-6Y	5Y-10Y
<b>V</b>	P-6M	P-1Y	3M-2Y	1Y-3Y	18M-5Y	3Y-7Y	4Y-8Y	8Y-15Y
<b>IV</b>	P-1Y	3M-2Y	6M-3Y	1Y-4Y	18M-7Y	3Y-8Y	5Y-12Y	10Y-20Y
<b>III</b>	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	15Y-30Y
<b>II</b>	2Y-5Y	3Y-7Y	5Y-8Y	5Y-10Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-40Y

P=Probation, M=Months, Y=Years



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## **MASSACHUSETTS**

### **Survey of Sentencing Practices FY 2013, December 2014 (excerpt)**

\*continued on next page



# OHIO

## CRIMINAL SENTENCING COMMISSION

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**Figure 1. Sentencing Guidelines Grid**

Level	Illustrative Offense	Sentence Range				
		A	B	C	D	E
9	Murder	Life	Life	Life	Life	Life
8	Rape of Child with Force Aggravated+ Rape Armed Burglary	96 - 144 Mos.	108 - 162 Mos.	120 - 180 Mos.	144 - 216 Mos.	204 - 306 Mos.
7	Armed Robbery (Gun) Rape Mayhem	60 - 90 Mos.	68 - 102 Mos.	84 - 126 Mos.	108 - 162 Mos.	160 - 240 Mos.
6	Manslaughter (Invol) Armed Robbery (No gun) A&B DW (Sign. injury)	40 - 60 Mos.	45 - 67 Mos.	50 - 75 Mos.	60 - 90 Mos.	80 - 120 Mos.
5	Unarmed Robbery Stalking (Viol. of Order) Unarmed Burglary Larceny (\$50,000+)	12 - 36 Mos. IS-IV IS-III IS-II	24 - 36 Mos. IS-IV IS-III IS-II	36 - 54 Mos.	48 - 72 Mos.	60 - 90 Mos.
4	Larceny From a Person A&B DW (Mod. injury) B&E (Dwelling) Larceny (\$10,000-\$50,000)	0 - 24 Mos. IS-IV IS-III IS-II	3 - 30 Mos. IS-IV IS-III IS-II	6 - 30 Mos. IS-IV IS-III IS-II	20 - 30 Mos.	24 - 36 Mos.
3	A&B DW (No/minor injury) B&E (Not dwelling) Larceny (\$250 to \$10,000)	0 - 12 Mos. IS-IV IS-III IS-II IS-I	0 - 15 Mos. IS-IV IS-III IS-II IS-I	0 - 18 Mos. IS-IV IS-III IS-II IS-I	0 - 24 Mos. IS-IV IS-III IS-II	6 - 24 Mos. IS-IV IS-III IS-II
2	Assault Larceny Under \$250	IS-III IS-II IS-I	0 - 6 Mos. IS-III IS-II IS-I	0 - 6 Mos. IS-III IS-II IS-I	0 - 9 Mos. IS-IV IS-III IS-II IS-I	0 - 12 Mos. IS-IV IS-III IS-II IS-I
1	Operate After Suspension Disorderly Conduct Vandalism	IS-II IS-I	IS-III IS-II IS-I	IS-III IS-II IS-I	0 - 3 Mos. IS-IV IS-III IS-II IS-I	0 - 6 Mos. IS-IV IS-III IS-II IS-I
	Criminal History Scale	A No/Minor Record	B Moderate Record	C Serious Record	D Violent or Repetitive	E Serious Violent

**Sentencing Zone**

- Incarceration Zone
- Discretionary Zone (Incarceration/Intermediate Sanctions)
- Intermediate Sanction Zone

**Intermediate Sanction Level**

- IS-IV 24-Hour Restriction
- IS-III Daily Accountability
- IS-II Standard Supervision
- IS-I Financial Accountability

*The numbers in each cell represent the range from which the judge selects the maximum sentence (Not More Than);  
The minimum sentence (Not Less Than) is 2/3rds of the maximum sentence and constitutes the initial parole eligibility date.*



OHIO

CRIMINAL SENTENCING COMMISSION

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**MICHIGAN**

State of Michigan Sentencing Guidelines Manual, current through 5/1/15 (excerpt)

***STEP III. Identify the Crime Class and Proper Sentencing Grid***

**A. Substantive Offenses**

Within each crime group, all offenses to which the guidelines apply are further categorized by the seriousness of the offense. This gradation of offense seriousness is indicated by the offense's crime class. An offense's crime class is designated by the letters "A" through "H" and "M2" (second-degree murder). M2 and A represent the most serious felony offenses, while the letters B through H represent the remaining guidelines offenses in decreasing order of their seriousness. An offense's crime class roughly corresponds to a maximum term of imprisonment for all offenses in that same crime class:

- M2 / Class A offenses** Imprisonment for life or any term of years
- Class B offenses** Imprisonment for up to 20 years
- Class C offenses** Imprisonment for up to 15 years
  
- Class D offenses** Imprisonment for up to 10 years
- Class E offenses** Imprisonment for up to 5 years
- Class F offenses** Imprisonment for up to 4 years
- Class G offenses** Imprisonment for up to 2 years
- Class H offenses** Jail or other intermediate sanction

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**Misdemeanor:** A "misdemeanor" means a violation of a penal law of this state that is not a felony, or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or by a fine that is not a civil fine. Convictions under federal law or the law of states other than Michigan are to be considered misdemeanor convictions if the offense was punishable by one year or less of incarceration or, when the statutory penalty is not available, if the crime was designated as a misdemeanor in the convicting jurisdiction at the time of the prior conviction.

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**M.C.L.A. 750.503. Punishment of felonies when punishment not prescribed by statute**

Sec. 503. If a person is convicted of a felony for which no punishment is specially prescribed, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.



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**MICHIGAN** (continued)

**M.C.L.A. 750.504. Punishment of misdemeanors when punishment not prescribed by statute**

Sec. 504. If a person is convicted of a crime designated in this act or in any other act of this state to be a misdemeanor for which no punishment is specially prescribed, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

**M.C.L.A. 750.505. Punishment for indictable common law offenses when punishment not prescribed by statute**

Sec. 505. Any person who shall commit any indictable offense at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than \$10,000.00, or both in the discretion of the court.



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**MINNESOTA**

**Minnesota Sentencing Guidelines and Commentary, August 1, 2015 excerpt)**

\*continued on next page



**OHIO**  
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**4.A. Sentencing Guidelines Grid**

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings)	11	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480</i> <sup>2</sup>	426 <i>363-480</i> <sup>2</sup>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	10	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Assault, 1st Degree</i> <i>Controlled Substance Crime, 1st Degree</i>	9	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Aggravated Robbery, 1st Degree; Controlled Substance Crime, 2nd Degree</i>	8	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI; Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84</i> <sup>2,3</sup>
<i>Controlled Substance Crime, 3rd Degree</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary; Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	1	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

<sup>1</sup> 12<sup>1</sup>=One year and one day

 Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See section 2.E, for policies regarding those sentences controlled by law.

 Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

<sup>3</sup> The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)



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## **MINNESOTA** (continued)

### **M.S.A. § 609.033. Maximum penalties; misdemeanors**

Any law of this state which provides for a maximum fine of \$700 as a penalty for a misdemeanor shall, on or after August 1, 2000, be deemed to provide for a maximum fine of \$1,000.

### **M.S.A. § 609.0331. Maximum penalties; petty misdemeanors**

A law of this state that provides, on or after August 1, 2000, for a maximum penalty of \$200 for a petty misdemeanor is considered to provide for a maximum fine of \$300.

### **M.S.A. § 609.0332. Maximum penalty; petty misdemeanor ordinance violations**

Subdivision 1. Increased fine. From August 1, 2000, if a state law or municipal charter sets a limit of \$200 or less on the fines that a statutory or home rule charter city, town, county, or other political subdivision may prescribe for an ordinance violation that is defined as a petty misdemeanor, that law or charter is considered to provide that the political subdivision has the power to prescribe a maximum fine of \$300 for the petty misdemeanor violation.

Subd. 2. Repealed by [Laws 1994, c. 636, art. 2, § 69](#).

### **M.S.A. § 609.034. Maximum penalty; ordinance violations**

Any law of this state or municipal charter which limits the power of any statutory or home rule charter city, town, county, or other political subdivision to prescribe a maximum fine of \$700 or less for an ordinance shall on or after August 1, 2000, be deemed to provide that the statutory or home rule charter city, town, county, or other political subdivision has the power to prescribe a maximum fine of \$1,000.

### **M.S.A. § 609.0341. Maximum fines for gross misdemeanors; felonies**

Subdivision 1. Gross misdemeanors. Any law of this state which provides for a maximum fine of \$1,000 or for a maximum sentence of imprisonment of one year or which is defined as a gross misdemeanor shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$3,000 and for a maximum sentence of imprisonment of one year.

Subd. 2. Felonies. (a) Any law of this state which provides for a maximum fine of \$2,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$4,000.

(b) Any law of this state which provides for a maximum fine of \$3,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$5,000.



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**MINNESOTA** (continued)

(c) Any law of this state which provides for a maximum fine of \$5,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$10,000.

(d) Any law of this state which provides for a maximum fine of \$7,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$14,000.

(e) Any law of this state which provides for a maximum fine of \$10,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$20,000.

(f) Any law of this state which provides for a maximum fine of \$15,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$30,000.

(g) Any law of this state which provides for a maximum fine of \$20,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$35,000.

(h) Any law of this state which provides for a maximum fine of \$25,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$40,000.

(i) Any law of this state which provides for a maximum fine of \$30,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$45,000.

(j) Any law of this state which provides for a maximum fine of \$40,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$50,000.

Subd. 3. Repealed by Laws 1984, c. 628, art. 3, § 10.

**M.S.A. § 609.10. Sentences available (excerpt)**

Effective: July 1, 2009

Subdivision 1. Sentences available. (a) Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

(1) to life imprisonment; or

(2) to imprisonment for a fixed term of years set by the court; or

(3) to both imprisonment for a fixed term of years and payment of a fine; or

(4) to payment of a fine without imprisonment or as an intermediate sanction on a stayed sentence; or



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**MINNESOTA** (continued)

(5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(6) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court.

(b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

**M.S.A. § 609.125. Sentence for misdemeanor or gross misdemeanor (excerpt)**

Effective: July 1, 2009

Subdivision 1. Sentences available. (a) Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

(1) to imprisonment for a definite term; or

(2) to payment of a fine without imprisonment or as an intermediate sanction on a stayed sentence; or

(3) to both imprisonment for a definite term and payment of a fine; or

(4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(5) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court; or

(6) to perform work service in a restorative justice program in addition to any other sentence imposed by the court.

(b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.



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## **MISSISSIPPI**

### **Miss. Code Ann. § 99-19-31. General penalties**

Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either.

### **Miss. Code Ann. § 99-19-32. Fines in felony cases**

(1) Offenses punishable by imprisonment in the State Penitentiary for more than one (1) year and for which no fine is provided elsewhere by statute may be punishable by a fine not in excess of Ten Thousand Dollars (\$10,000.00). Such fine, if imposed, may be in addition to imprisonment or any other punishment or penalty authorized by law.

(2) Such assessments as are collected under [subsection \(5\) of Section 99-19-73](#) shall be deposited in a special fund hereby created in the State Treasury to be designated the "Criminal Justice Fund." The Legislature may make appropriations from the Criminal Justice Fund for the purpose of defraying such costs as the state incurs in the administration of the criminal justice system of this state.



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## **MISSOURI**

### **V.A.M.S. 558.011. Sentence of imprisonment, terms--conditional release**

Effective: [See Text Amendments] to December 31, 2016

<Text of section eff. until Jan. 1, 2017. See, also, section eff. Jan. 1, 2017.>

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

- (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
- (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;
- (3) For a class C felony, a term of years not to exceed seven years;
- (4) For a class D felony, a term of years not to exceed four years;
- (5) For a class A misdemeanor, a term not to exceed one year;
- (6) For a class B misdemeanor, a term not to exceed six months;
- (7) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class C or D felony, it shall commit the person to the custody of the department of corrections for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under [section 557.036](#), or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) A sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in [section 556.061](#), and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under [section 557.036](#) shall be:



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## **MISSOURI** (continued)

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) **“Conditional release”** means the conditional discharge of an offender by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole. The director of any division of the department of corrections except the board of probation and parole may file with the board of probation and parole a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the board of probation and parole shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in [section 217.670](#). If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the board and for the board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a board decision has not been reached, the offender shall be released conditionally. The decision of the board shall be final.

### **V.A.M.S. 560.011. Fines for felonies**

<This section is transferred to § 558.002 by L.2014, S.B. 491, § A, eff. Jan. 1, 2017.>

1. A person who has been convicted of a class C or D felony may be sentenced

(1) To pay a fine which does not exceed five thousand dollars; or

(2) If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender’s gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.



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## **MISSOURI** (continued)

2. As used in this section the term “**gain**” means the amount of money or the value of property derived from the commission of the crime. The amount of money or value of property returned to the victim of the crime or seized by or surrendered to lawful authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender’s gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue.

3. The provisions of this section shall not apply to corporations.

### **V.A.M.S. 560.016. Fines for misdemeanors and infractions**

<Text of section eff. until Jan. 1, 2017.>

1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

(1) For a class A misdemeanor, one thousand dollars;

(2) For a class B misdemeanor, five hundred dollars;

(3) For a class C misdemeanor, three hundred dollars;

(4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derived “gain” as defined in [section 560.011](#), may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual offender may be fined not more than twenty thousand dollars under this provision.



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## **MONTANA**

### **MCA 46-18-201. Sentences that may be imposed**

(1)(a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may defer imposition of sentence, except as otherwise specifically provided by statute, for a period:

- (i) not exceeding 1 year for a misdemeanor or for a period not exceeding 3 years for a felony; or
- (ii) not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony if a financial obligation is imposed as a condition of sentence for either the misdemeanor or the felony, regardless of whether any other conditions are imposed.

(b) Except as provided in [46-18-222](#), imposition of sentence in a felony case may not be deferred in the case of an offender who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(2) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may suspend execution of sentence, except as otherwise specifically provided by statute, for a period up to the maximum sentence allowed or for a period of 6 months, whichever is greater, for each particular offense.

(3)(a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may impose a sentence that may include:

- (i) a fine as provided by law for the offense;
- (ii) payment of costs, as provided in [46-18-232](#), or payment of costs of assigned counsel as provided in [46-8-113](#);
- (iii) a term of incarceration, as provided in Title 45 for the offense, at a county detention center or at a state prison to be designated by the department of corrections;
- (iv) commitment of:
  - (A) an offender not referred to in subsection (3)(a)(iv)(B) to the department of corrections, with a recommendation for placement in an appropriate correctional facility or program; however, all but the first 5 years of the commitment to the department of corrections must be suspended, except as provided in [45-5-503\(4\)](#), [45-5-507\(5\)](#), [45-5-601\(3\)](#), [45-5-602\(3\)](#), [45-5-603\(2\)\(b\)](#), and [45-5-625\(4\)](#); or



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**MONTANA** (continued)

(B) a youth transferred to district court under [41-5-206](#) and found guilty in the district court of an offense enumerated in [41-5-206](#) to the department of corrections for a period determined by the court for placement in an appropriate correctional facility or program;

(v) with the approval of the facility or program, placement of the offender in a community corrections facility or program as provided in [53-30-321](#);

(vi) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available, placement of the offender in a prerelease center or prerelease program for a period not to exceed 1 year;

(vii) chemical treatment of sexual offenders, as provided in [45-5-512](#), if applicable, that is paid for by and for a period of time determined by the department of corrections, but not exceeding the period of state supervision of the person; or

(viii) any combination of subsections (2) and (3)(a)(i) through (3)(a)(vii).

(b) A court may permit a part or all of a fine to be satisfied by a donation of food to a food bank program.

(4) When deferring imposition of sentence or suspending all or a portion of execution of sentence, the sentencing judge may impose upon the offender any reasonable restrictions or conditions during the period of the deferred imposition or suspension of sentence. Reasonable restrictions or conditions imposed under subsection (1)(a) or (2) may include but are not limited to:

(a) limited release during employment hours as provided in [46-18-701](#);

(b) incarceration in a detention center not exceeding 180 days;

(c) conditions for probation;

(d) payment of the costs of confinement;

(e) payment of a fine as provided in [46-18-231](#);

(f) payment of costs as provided in [46-18-232](#) and [46-18-233](#);

(g) payment of costs of assigned counsel as provided in [46-8-113](#);

(h) with the approval of the facility or program, an order that the offender be placed in a community corrections facility or program as provided in [53-30-321](#);



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## **MONTANA** (continued)

- (i) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available, an order that the offender be placed in a prerelease center or prerelease program for a period not to exceed 1 year;
  - (j) community service;
  - (k) home arrest as provided in Title 46, chapter 18, part 10;
  - (l) payment of expenses for use of a judge pro tempore or special master as provided in [3-5-116](#);
  - (m) with the approval of the department of corrections and with a signed statement from an offender that the offender's participation in the boot camp incarceration program is voluntary, an order that the offender complete the boot camp incarceration program established pursuant to [53-30-403](#);
  - (n) participation in a day reporting program provided for in [53-1-203](#);
  - (o) participation in the sobriety program provided for in Title 44, chapter 4, part 12, for a violation of [61-8-465](#), a second or subsequent violation of [61-8-401](#), [61-8-406](#), or [61-8-411](#), or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime or for a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute;
  - (p) participation in a restorative justice program approved by court order and payment of a participation fee of up to \$150 for program expenses if the program agrees to accept the offender;
  - (q) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of the victim or society; or
  - (r) any combination of the restrictions or conditions listed in subsections (4)(a) through (4)(q).
- (5) In addition to any other penalties imposed, if a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere and the sentencing judge finds that a victim, as defined in [46-18-243](#), has sustained a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment of full restitution to the victim, as provided in [46-18-241](#) through [46-18-249](#), whether or not any part of the sentence is deferred or suspended.



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## **MONTANA** (continued)

(6) In addition to any of the penalties, restrictions, or conditions imposed pursuant to subsections (1) through (5), the sentencing judge may include the suspension of the license or driving privilege of the person to be imposed upon the failure to comply with any penalty, restriction, or condition of the sentence. A suspension of the license or driving privilege of the person must be accomplished as provided in [61-5-214](#) through [61-5-217](#).

(7) In imposing a sentence on an offender convicted of a sexual or violent offense, as defined in [46-23-502](#), the sentencing judge may not waive the registration requirement provided in Title 46, chapter 23, part 5.

(8) If a felony sentence includes probation, the department of corrections shall supervise the offender unless the court specifies otherwise.

(9) As used in this section, “dangerous drug” has the meaning provided in [50-32-101](#)

### **MCA 46-18-231. Fines in felony and misdemeanor cases**

(1)(a) Except as provided in subsection (1)(b), whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the sentencing judge may, in lieu of or in addition to a sentence of imprisonment, impose a fine only in accordance with subsection (3).

(b) For those crimes for which penalties are provided in the following sections, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment:

- (i) [45-5-103\(4\)](#), mitigated deliberate homicide;
- (ii) [45-5-202](#), aggravated assault;
- (iii) [45-5-213](#), assault with a weapon;
- (iv) [45-5-302\(2\)](#), kidnapping;
- (v) [45-5-303\(2\)](#), aggravated kidnapping;
- (vi) [45-5-401\(2\)](#), robbery;
- (vii) [45-5-502\(3\)](#), sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or the offender inflicts bodily injury in the course of committing the sexual assault;
- (viii) [45-5-503\(2\)](#) through (4), sexual intercourse without consent;
- (ix) [45-5-507\(5\)](#), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;
- (x) [45-5-601\(3\)](#), [45-5-602\(3\)](#), or [45-5-603\(2\)\(b\)](#), prostitution, promotion of prostitution, or aggravated promotion of prostitution when the person patronized or engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense;
- (xi) [45-5-625\(4\)](#), sexual abuse of children;



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**MONTANA** (continued)

- (xii) 45-9-101(2), (3), and (5)(d), criminal possession with intent to distribute a narcotic drug, criminal possession with intent to distribute a dangerous drug included in Schedule I or Schedule II, or other criminal possession with intent to distribute a dangerous drug;
- (xiii) 45-9-102(4), criminal possession of an opiate;
- (xiv) 45-9-103(2), criminal possession of an opiate with an intent to distribute; and
- (xv) 45-9-109, criminal possession with intent to distribute dangerous drugs on or near school property.

(2) Whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the sentencing judge may impose a fine only in accordance with subsection (3).

(3) The sentencing judge may not sentence an offender to pay a fine unless the offender is or will be able to pay the fine. In determining the amount and method of payment, the sentencing judge shall take into account the nature of the crime committed, the financial resources of the offender, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the sentencing judge not to exceed \$50,000.



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## **NEBRASKA**

### **Neb.Rev.St. § 28-105. Felonies; classification of penalties; sentences; where served; eligibility for probation**

(1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, felonies are divided into nine classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I felony	Death
Class IA felony	Life imprisonment
Class IB felony	Maximum--life imprisonment Minimum--twenty years imprisonment
Class IC felony	Maximum--fifty years imprisonment Mandatory minimum--five years imprisonment
Class ID felony	Maximum--fifty years imprisonment Mandatory minimum--three years imprisonment
Class II felony	Maximum--fifty years imprisonment Minimum--one year imprisonment
Class III felony	Maximum--twenty years imprisonment, or twenty-five thousand dollars fine, or both  Minimum--one year imprisonment
Class IIIA felony	Maximum--five years imprisonment, or ten thousand dollars fine, or both  Minimum--none



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## **NEBRASKA**

(continued)

Class IV felony      Maximum--five years imprisonment, or  
ten thousand dollars fine, or both

Minimum--none

(2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IIIA and IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the department certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the department. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in [sections 29-2221](#) and [29-2222](#) to increase sentences for habitual criminals.

(4) A person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation.



OHIO

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**NEBRASKA** (continued)

**Neb.Rev.St. § 28-106. Misdemeanors; classification of penalties; sentences; where served**

(1) For purposes of the Nebraska Criminal Code and any statute passed by the Legislature after the date of passage of the code, misdemeanors are divided into seven classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I misdemeanor ..... Maximum--not more than one year imprisonment, or one thousand dollars fine, or both

Minimum--none

Class II misdemeanor ..... Maximum--six months imprisonment, or one thousand dollars fine, or both

Minimum--none

Class III misdemeanor ..... Maximum--three months imprisonment, or five hundred dollars fine, or both

Minimum--none

Class IIIA misdemeanor ..... Maximum--seven days imprisonment, five hundred dollars fine, or both

Minimum--none

Class IV misdemeanor ..... Maximum--no imprisonment, five hundred dollars fine

Minimum--one hundred dollars fine



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**NEBRASKA** (continued)

Class V misdemeanor ..... Maximum--no imprisonment, one hundred dollars fine

Minimum--none

Class W misdemeanor ..... Driving under the influence or implied consent  
First conviction

Maximum--sixty days imprisonment and five hundred dollars fine

Mandatory minimum--seven days imprisonment and five hundred dollars fine

Second conviction

Maximum--six months imprisonment and five hundred dollars fine

Mandatory minimum--thirty days imprisonment and five hundred dollars fine

Third conviction

Maximum--one year imprisonment and one thousand dollars fine

Mandatory minimum--ninety days imprisonment and one thousand dollars fine



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**NEBRASKA** (continued)

(2) Sentences of imprisonment in misdemeanor cases shall be served in the county jail, except that in the following circumstances the court may, in its discretion, order that such sentences be served in institutions under the jurisdiction of the Department of Correctional Services:

- (a) If the sentence is for a term of one year upon conviction of a Class I misdemeanor;
- (b) If the sentence is to be served concurrently or consecutively with a term for conviction of a felony;  
or
- (c) If the Department of Correctional Services has certified as provided in [section 28-105](#) as to the availability of facilities and programs for short-term prisoners and the sentence is for a term of six months or more.



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## **NEVADA**

### **N.R.S. 193.120. Classification of crimes**

1. A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline.
2. Every crime which may be punished by death or by imprisonment in the state prison is a felony.
3. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.
4. Every other crime is a gross misdemeanor.

### **N.R.S. 193.130. Categories and punishment of felonies**

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.
2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:
  - (a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.
  - (b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.
  - (c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.
  - (d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.
  - (e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of [NRS 176A.100](#), upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions



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## **NEVADA** (continued)

of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

### **N.R.S. 193.140. Punishment of gross misdemeanors**

Effective: October 1, 2013

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

### **N.R.S. 193.150. Punishment of misdemeanors**

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.

2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in [NRS 176.087](#).



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## **NEW HAMPSHIRE**

### **N.H. Rev. Stat. § 651:2 Sentences and Limitations. (excerpt)**

Effective: September 9, 2014

I. A person convicted of a felony or a Class A misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.

II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:

(a) Fifteen years for a class A felony,

(b) Seven years for a class B felony,

(c) One year for a class A misdemeanor,

(d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed  $\frac{1}{2}$  of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order.

II-a. A person convicted of murder in the first degree shall be sentenced as provided in [RSA 630:1-a](#).

II-b. A person convicted of a second or subsequent offense for the felonious use of a firearm, as provided in [RSA 650-A:1](#), shall, in addition to any punishment provided for the underlying felony, be given a minimum mandatory sentence of 3 years imprisonment. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

II-c. [Repealed.]

II-d. A person convicted of manslaughter shall be sentenced as provided in [RSA 630:2](#), II.

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in [RSA 651-A:22](#) and for earned time as provided in [RSA 651-A:22-a](#). There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to [RSA 651-A:23](#).



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## **NEW HAMPSHIRE** (continued)

II-f. A person convicted of violating [RSA 159:3-a](#), I shall be sentenced as provided in [RSA 159:3-a](#), II and

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime.

III. A person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may include monitoring by the department of corrections if deemed necessary and appropriate.

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:

(a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a class A misdemeanor, \$1,200 for a class B misdemeanor, and \$1,000 for a violation.

(b) A corporation or unincorporated association may not exceed \$100,000 for a felony, \$20,000 for a misdemeanor and \$1,000 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

(c) If a defendant has gained property through the commission of any felony, then in lieu of the amounts authorized in paragraphs (a) and (b), the fine may be an amount not to exceed double the amount of that gain.



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## **NEW JERSEY**

### **N.J.S.A. 2C:43-1. Degrees of crimes**

a. Crimes defined by this code are classified, for the purpose of sentence, into four degrees, as follows:

- (1) Crimes of the first degree;
- (2) Crimes of the second degree;
- (3) Crimes of the third degree; and
- (4) Crimes of the fourth degree.

A crime is of the first, second, third or fourth degree when it is so designated by the code. An offense, declared to be a crime, without specification of degree, is of the fourth degree.

b. Notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a high misdemeanor shall constitute for the purpose of sentence a crime of the third degree. Except as provided in sections 2C:1-4c. and 2C:1-5b. and notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a misdemeanor shall constitute for the purpose of sentence a crime of the fourth degree.

### **N.J.S.A. 2C:43-3. Fines and restitution**

A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:

- a. (1) \$200,000.00 when the conviction is of a crime of the first degree;  
(2) \$150,000.00 when the conviction is of a crime of the second degree;
- b. (1) \$15,000.00 when the conviction is of a crime of the third degree;  
(2) \$10,000.00 when the conviction is of a crime of the fourth degree;
- c. \$1,000.00, when the conviction is of a disorderly persons offense;
- d. \$500.00, when the conviction is of a petty disorderly persons offense;
- e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the term "gain"



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## **NEW JERSEY** (continued)

means the amount of money or the value of property derived by the offender and “loss” means the amount of value separated from the victim or the amount of any payment owed to the victim and avoided or evaded and includes any reasonable and necessary expense incurred by the owner in recovering or replacing lost, stolen or damaged property, or recovering any payment avoided or evaded, and, with respect to property of a research facility, includes the cost of repeating an interrupted or invalidated experiment or loss of profits. The term “victim” shall mean a person who suffers a personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person, or in the case of a homicide, the nearest relative of the victim. The terms “gain” and “loss” shall also mean, where appropriate, the amount of any tax, fee, penalty and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of;

f. Any higher amount specifically authorized by another section of this code or any other statute;

g. Up to twice the amounts authorized in subsection a., b., c. or d. of this section, in the case of a second or subsequent conviction of any tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, or of any offense defined in chapter 20 or 21 of this code;

h. In the case of violations of chapter 35, any higher amount equal to three times the street value of the controlled dangerous substance or controlled substance analog. The street value for purposes of this section shall be determined pursuant to subsection e. of [N.J.S.2C:44-2](#).

The restitution ordered paid to the victim shall not exceed the victim’s loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

### **N.J.S.A. 2C:43-6. Sentence of imprisonment for crime; ordinary terms; mandatory terms (excerpt)**

Effective: August 8, 2013

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;



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**NEW JERSEY** (continued)

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.



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## **NEW MEXICO**

### **N. M. S. A. 1978, § 31-18-14. Sentencing authority; capital felonies**

Effective: July 1, 2009

When a defendant has been convicted of a capital felony, the defendant shall be sentenced to life imprisonment or life imprisonment without possibility of release or parole.

### **N. M. S. A. 1978, § 31-18-15. Sentencing authority; noncapital felonies; basic sentences and fines; parole authority; meritorious deductions**

Effective: July 1, 2007

A. If a person is convicted of a noncapital felony, the basic sentence of imprisonment is as follows:

- (1) for a first degree felony resulting in the death of a child, life imprisonment;
- (2) for a first degree felony for aggravated criminal sexual penetration, life imprisonment;
- (3) for a first degree felony, eighteen years imprisonment;
- (4) for a second degree felony resulting in the death of a human being, fifteen years imprisonment;
- (5) for a second degree felony for a sexual offense against a child, fifteen years imprisonment;
- (6) for a second degree felony, nine years imprisonment;
- (7) for a third degree felony resulting in the death of a human being, six years imprisonment;
- (8) for a third degree felony for a sexual offense against a child, six years imprisonment;
- (9) for a third degree felony, three years imprisonment; or
- (10) for a fourth degree felony, eighteen months imprisonment.

B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted and sentenced pursuant to Subsection A of this section, unless the court alters the sentence pursuant to the provisions of the Criminal Sentencing Act.

C. The court shall include in the judgment and sentence of each person convicted and sentenced to imprisonment in a corrections facility designated by the corrections department authority for a period of parole to be served in accordance with the provisions of [Section 31-21-10 NMSA 1978](#) after the completion of any actual time of imprisonment and authority to require, as a condition of parole, the payment of the costs of parole services and reimbursement to a law enforcement agency or local crime stopper program in accordance with the provisions of that section. The period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant



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**NEW MEXICO** (continued)

to Subsection A of this section together with alterations, if any, pursuant to the provisions of the Criminal Sentencing Act.

D. When a court imposes a sentence of imprisonment pursuant to the provisions of [Section 31-18-15.1](#), [31-18-16](#), [31-18-16.1](#) or [31-18-17 NMSA 1978](#) and suspends or defers the basic sentence of imprisonment provided pursuant to the provisions of Subsection A of this section, the period of parole shall be served in accordance with the provisions of [Section 31-21-10 NMSA 1978](#) for the degree of felony for the basic sentence for which the inmate was convicted. For the purpose of designating a period of parole, a court shall not consider that the basic sentence of imprisonment was suspended or deferred and that the inmate served a period of imprisonment pursuant to the provisions of the Criminal Sentencing Act.

E. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed:

- (1) for a first degree felony resulting in the death of a child, seventeen thousand five hundred dollars (\$17,500);
- (2) for a first degree felony for aggravated criminal sexual penetration, seventeen thousand five hundred dollars (\$17,500);
- (3) for a first degree felony, fifteen thousand dollars (\$15,000);
- (4) for a second degree felony resulting in the death of a human being, twelve thousand five hundred dollars (\$12,500);
- (5) for a second degree felony for a sexual offense against a child, twelve thousand five hundred dollars (\$12,500);
- (6) for a second degree felony, ten thousand dollars (\$10,000);
- (7) for a third degree felony resulting in the death of a human being, five thousand dollars (\$5,000);
- (8) for a third degree felony for a sexual offense against a child, five thousand dollars (\$5,000); or
- (9) for a third or fourth degree felony, five thousand dollars (\$5,000).

F. When the court imposes a sentence of imprisonment for a felony offense, the court shall indicate whether or not the offense is a serious violent offense, as defined in [Section 33-2-34 NMSA 1978](#). The court shall inform an offender that the offender's sentence of imprisonment is subject to the provisions of [Sections 33-2-34](#), [33-2-36](#), [33-2-37](#) and [33-2-38 NMSA 1978](#). If the court fails to inform an offender that the offender's sentence is subject to those provisions or if the court provides the offender with



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## **NEW MEXICO** (continued)

erroneous information regarding those provisions, the failure to inform or the error shall not provide a basis for a writ of habeas corpus.

G. No later than October 31 of each year, the New Mexico sentencing commission shall provide a written report to the secretary of corrections, all New Mexico criminal court judges, the administrative office of the district attorneys and the chief public defender. The report shall specify the average reduction in the sentence of imprisonment for serious violent offenses and nonviolent offenses, as defined in [Section 33-2-34 NMSA 1978](#), due to meritorious deductions earned by prisoners during the previous fiscal year pursuant to the provisions of [Sections 33-2-34](#), [33-2-36](#), [33-2-37](#) and [33-2-38 NMSA 1978](#). The corrections department shall allow the commission access to documents used by the department to determine earned meritorious deductions for prisoners.

### **N. M. S. A. 1978, § 31-19-1. Sentencing authority; misdemeanors; imprisonment and fines; probation**

A. Where the defendant has been convicted of a crime constituting a misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both such imprisonment and fine in the discretion of the judge.

B. Where the defendant has been convicted of a crime constituting a petty misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term not to exceed six months or to the payment of a fine of not more than five hundred dollars (\$500) or to both such imprisonment and fine in the discretion of the judge.

C. When the court has deferred or suspended sentence, it shall order the defendant placed on supervised or unsupervised probation for all or some portion of the period of deferment or suspension.



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## **NEW YORK**

### **McKinney's Penal Law § 55.05 Classifications of felonies and misdemeanors**

1. Felonies. Felonies are classified, for the purpose of sentence, into five categories as follows:

- (a) Class A felonies;
- (b) Class B felonies;
- (c) Class C felonies;
- (d) Class D felonies; and
- (e) Class E felonies.

Class A felonies are subclassified, for the purpose of sentence, into two categories as follows: subclass I and subclass II, to be known as class A-I and class A-II felonies, respectively.

2. Misdemeanors. Misdemeanors are classified, for the purpose of sentence, into three categories as follows:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors; and
- (c) Unclassified misdemeanors.

### **McKinney's Penal Law § 70.00 Sentence of imprisonment for felony**

Effective: October 9, 2009

1. [Eff. until Sept. 1, 2017, pursuant to [L.1995, c. 3, § 74](#), subd. d. See, also, subd. 1 below.]  
Indeterminate sentence. Except as provided in subdivisions four, five and six of this section or [section 70.80](#) of this article, a sentence of imprisonment for a felony, other than a felony defined in article two hundred twenty or two hundred twenty-one of this chapter, shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subdivision two of this section and the minimum period of imprisonment shall be as provided in subdivision three of this section.



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**NEW YORK** (continued)

1. [Eff. Sept. 1, 2017. See, also, subd. 1, above.] Indeterminate sentence. Except as provided in subdivisions four and five of this section or [section 70.80](#) of this article, a sentence of imprisonment for a felony, other than a felony defined in article two hundred twenty or two hundred twenty-one of this chapter, shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subdivision two of this section and the minimum period of imprisonment shall be as provided in subdivision three of this section.

2. Maximum term of sentence. The maximum term of an indeterminate sentence shall be at least three years and the term shall be fixed as follows:

(a) For a class A felony, the term shall be life imprisonment;

(b) For a class B felony, the term shall be fixed by the court, and shall not exceed twenty-five years;

(c) For a class C felony, the term shall be fixed by the court, and shall not exceed fifteen years;

(d) For a class D felony, the term shall be fixed by the court, and shall not exceed seven years; and

(e) For a class E felony, the term shall be fixed by the court, and shall not exceed four years.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence shall be at least one year and shall be fixed as follows:

(a) In the case of a class A felony, the minimum period shall be fixed by the court and specified in the sentence.

(i) For a class A-I felony, such minimum period shall not be less than fifteen years nor more than twenty-five years; provided, however, that (A) where a sentence, other than a sentence of death or life imprisonment without parole, is imposed upon a defendant convicted of murder in the first degree as defined in [section 125.27](#) of this chapter such minimum period shall be not less than twenty years nor more than twenty-five years, and, (B) where a sentence is imposed upon a defendant convicted of murder in the second degree as defined in [subdivision five of section 125.25](#) of this chapter or convicted of aggravated murder as defined in [section 125.26](#) of this chapter, the sentence shall be life imprisonment without parole, and, (C) where a sentence is imposed upon a defendant convicted of attempted murder in the first degree as defined in article one hundred ten of this chapter and subparagraph (i), (ii) or (iii) of paragraph (a) of subdivision one and [paragraph \(b\) of subdivision one of section 125.27](#) of this chapter or attempted aggravated murder as defined in article one hundred ten of this chapter and [section 125.26](#) of this chapter such minimum period shall be not less than twenty years nor more than forty years.



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**NEW YORK** (continued)

(ii) For a class A-II felony, such minimum period shall not be less than three years nor more than eight years four months, except that for the class A-II felony of predatory sexual assault as defined in [section 130.95](#) of this chapter or the class A-II felony of predatory sexual assault against a child as defined in [section 130.96](#) of this chapter, such minimum period shall be not less than ten years nor more than twenty-five years.

(b) For any other felony, the minimum period shall be fixed by the court and specified in the sentence and shall be not less than one year nor more than one-third of the maximum term imposed.

4. Alternative definite sentence for class D and E felonies. When a person, other than a second or persistent felony offender, is sentenced for a class D or class E felony, and the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose an indeterminate or determinate sentence, the court may impose a definite sentence of imprisonment and fix a term of one year or less.

5. Life imprisonment without parole. Notwithstanding any other provision of law, a defendant sentenced to life imprisonment without parole shall not be or become eligible for parole or conditional release. For purposes of commitment and custody, other than parole and conditional release, such sentence shall be deemed to be an indeterminate sentence. A defendant may be sentenced to life imprisonment without parole upon conviction for the crime of murder in the first degree as defined in [section 125.27](#) of this chapter and in accordance with the procedures provided by law for imposing a sentence for such crime. A defendant must be sentenced to life imprisonment without parole upon conviction for the crime of terrorism as defined in [section 490.25](#) of this chapter, where the specified offense the defendant committed is a class A-I felony; the crime of criminal possession of a chemical weapon or biological weapon in the first degree as defined in [section 490.45](#) of this chapter; or the crime of criminal use of a chemical weapon or biological weapon in the first degree as defined in [section 490.55](#) of this chapter; provided, however, that nothing in this subdivision shall preclude or prevent a sentence of death when the defendant is also convicted of the crime of murder in the first degree as defined in [section 125.27](#) of this chapter. A defendant must be sentenced to life imprisonment without parole upon conviction for the crime of murder in the second degree as defined in [subdivision five of section 125.25](#) of this chapter or for the crime of aggravated murder as defined in [subdivision one of section 125.26](#) of this chapter. A defendant may be sentenced to life imprisonment without parole upon conviction for the crime of aggravated murder as defined in [subdivision two of section 125.26](#) of this chapter.

6. [Deemed repealed Sept. 1, 2017, pursuant to [L.1995, c. 3, § 74](#), subd. d.] Determinate sentence. Except as provided in subdivision four of this section and [subdivisions two and four of section 70.02](#), when a person is sentenced as a violent felony offender pursuant to [section 70.02](#) or as a second violent felony offender pursuant to [section 70.04](#) or as a second felony offender on a conviction for a violent felony offense pursuant to [section 70.06](#), the court must impose a determinate sentence of imprisonment in



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## **NEW YORK** (continued)

accordance with the provisions of such sections and such sentence shall include, as a part thereof, a period of post-release supervision in accordance with [section 70.45](#).

### **McKinney's Penal Law § 70.15 Sentences of imprisonment for misdemeanors and violation**

1. Class A misdemeanor. A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed one year; provided, however, that a sentence of imprisonment imposed upon a conviction of criminal possession of a weapon in the fourth degree as defined in [subdivision one of section 265.01](#) must be for a period of no less than one year when the conviction was the result of a plea of guilty entered in satisfaction of an indictment or any count thereof charging the defendant with the class D violent felony offense of criminal possession of a weapon in the third degree as defined in [subdivision four of section 265.02](#), except that the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a felony or a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record that such sentence would be unduly harsh and that the alternative sentence would be consistent with public safety and does not deprecate the seriousness of the crime.

2. Class B misdemeanor. A sentence of imprisonment for a class B misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed three months.

3. Unclassified misdemeanor. A sentence of imprisonment for an unclassified misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall be in accordance with the sentence specified in the law or ordinance that defines the crime.

4. Violation. A sentence of imprisonment for a violation shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed fifteen days.

In the case of a violation defined outside this chapter, if the sentence is expressly specified in the law or ordinance that defines the offense and consists solely of a fine, no term of imprisonment shall be imposed.



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**NEW YORK** (continued)

**McKinney's Penal Law § 80.00 Fine for felony**

Effective: April 30, 2014

1. A sentence to pay a fine for a felony shall be a sentence to pay an amount, fixed by the court, not exceeding the higher of
  - a. five thousand dollars; or
  - b. double the amount of the defendant's gain from the commission of the crime or, if the defendant is convicted of a crime defined in article four hundred ninety-six of this chapter, any higher amount not exceeding three times the amount of the defendant's gain from the commission of such offense; or
  - c. if the conviction is for any felony defined in article two hundred twenty or two hundred twenty-one of this chapter, according to the following schedule:
    - (i) for A-I felonies, one hundred thousand dollars;
    - (ii) for A-II felonies, fifty thousand dollars;
    - (iii) for B felonies, thirty thousand dollars;
    - (iv) for C felonies, fifteen thousand dollars.

When imposing a fine pursuant to the provisions of this paragraph, the court shall consider the profit gained by defendant's conduct, whether the amount of the fine is disproportionate to the conduct in which defendant engaged, its impact on any victims, and defendant's economic circumstances, including the defendant's ability to pay, the effect of the fine upon his or her immediate family or any other persons to whom the defendant owes an obligation of support.

2. As used in this section the term "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized by or surrendered to lawful authority prior to the time sentence is imposed.
3. When the court imposes a fine for a felony pursuant to paragraph b of subdivision one of this section, the court shall make a finding as to the amount of the defendant's gain from the crime. If the record does not contain sufficient evidence to support such a finding or to permit adequate consideration of the matters specified in paragraph c of subdivision one of this section, the court may conduct a hearing upon such issues.
4. Exception. The provisions of this section shall not apply to a corporation.



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**NEW YORK** (continued)

5. All moneys in excess of five thousand dollars received or collected in payment of a fine imposed pursuant to paragraph c of subdivision one of this section are the property of the state and the state comptroller shall deposit all such fines to the rehabilitative alcohol and substance treatment fund established pursuant to [section ninety-seven-cc of the state finance law](#).

6. Notwithstanding any inconsistent provision of subdivision one of this section a sentence to pay a fine for a felony set forth in the vehicle and traffic law shall be a sentence to pay an amount fixed by the court in accordance with the provisions of the law that defines the crime.

7. When the court imposes a fine pursuant to [section 145.22](#) or [145.23](#) of this chapter, the court shall direct that no less than ten percent of such fine be credited to the state cemetery vandalism restoration and administration fund created pursuant to [section ninety-seven-r of the state finance law](#).

**McKinney's Penal Law § 80.05 Fines for misdemeanors and violation**

Effective: November 1, 1999

1. Class A misdemeanor. A sentence to pay a fine for a class A misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding one thousand dollars, provided, however, that a sentence imposed for a violation of [section 215.80](#) of this chapter may include a fine in an amount equivalent to double the value of the property unlawfully disposed of in the commission of the crime.

2. Class B misdemeanor. A sentence to pay a fine for a class B misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding five hundred dollars.

3. Unclassified misdemeanor. A sentence to pay a fine for an unclassified misdemeanor shall be a sentence to pay an amount, fixed by the court, in accordance with the provisions of the law or ordinance that defines the crime.

4. Violation. A sentence to pay a fine for a violation shall be a sentence to pay an amount, fixed by the court, not exceeding two hundred fifty dollars.

In the case of a violation defined outside this chapter, if the amount of the fine is expressly specified in the law or ordinance that defines the offense, the amount of the fine shall be fixed in accordance with that law or ordinance.

5. Alternative sentence. If a person has gained money or property through the commission of any misdemeanor or violation then upon conviction thereof, the court, in lieu of imposing the fine authorized for the offense under one of the above subdivisions, may sentence the defendant to pay an amount, fixed by the court, not exceeding double the amount of the defendant's gain from the commission of the offense; provided, however, that the amount fixed by the court pursuant to this subdivision upon a conviction under [section 11-1904 of the environmental conservation law](#) shall not exceed five thousand



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**NEW YORK** (continued)

dollars. In such event the provisions of [subdivisions two](#) and [three of section 80.00](#) shall be applicable to the sentence.

6. Exception. The provisions of this section shall not apply to a corporation.



**OHIO**  
CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**NORTH CAROLINA** North Carolina Sentencing and Policy Advisory Commission, A Citizen's Guide to Structured Sentencing (revised 2014) (excerpt)

\*\*\* Effective for Offenses Committed on or after 10/1/13 \*\*\*

**FELONY PUNISHMENT CHART**  
**PRIOR RECORD LEVEL**

OFFENSE CLASS	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	DISPOSITION  Aggravated Range  PRESUMPTIVE RANGE  Mitigated Range
	<b>A</b>	Death or Life Without Parole Defendant Under 18 at Time of Offense: Life With or Without Parole					
<b>B1</b>	A	A	A	A	A	A	
	240 - 300	276 - 345	317 - 397	365 - 456	Life Without Parole	Life Without Parole	
	192 - 240	221 - 276	254 - 317	292 - 365	336 - 420	386 - 483	PRESUMPTIVE RANGE
<b>B2</b>	144 - 192	166 - 221	190 - 254	219 - 292	252 - 336	290 - 386	Mitigated Range
	A	A	A	A	A	A	
	157 - 196	180 - 225	207 - 258	238 - 297	273 - 342	314 - 393	
<b>C</b>	125 - 157	144 - 180	165 - 207	190 - 238	219 - 273	251 - 314	
	94 - 125	108 - 144	124 - 165	143 - 190	164 - 219	189 - 251	
	A	A	A	A	A	A	
<b>D</b>	73 - 92	83 - 104	96 - 120	110 - 138	127 - 159	146 - 182	
	58 - 73	67 - 83	77 - 96	88 - 110	101 - 127	117 - 146	
	44 - 58	50 - 67	58 - 77	66 - 88	76 - 101	87 - 117	
<b>E</b>	A	A	A	A	A	A	
	64 - 80	73 - 92	84 - 105	97 - 121	111 - 139	128 - 160	
	51 - 64	59 - 73	67 - 84	78 - 97	89 - 111	103 - 128	
<b>F</b>	38 - 51	44 - 59	51 - 67	58 - 78	67 - 89	77 - 103	
	I/A	I/A	A	A	A	A	
	25 - 31	29 - 36	33 - 41	38 - 48	44 - 55	50 - 63	
<b>G</b>	20 - 25	23 - 29	26 - 33	30 - 38	35 - 44	40 - 50	
	15 - 20	17 - 23	20 - 26	23 - 30	26 - 35	30 - 40	
	I/A	I/A	I/A	A	A	A	
<b>H</b>	16 - 20	19 - 23	21 - 27	25 - 31	28 - 36	33 - 41	
	13 - 16	15 - 19	17 - 21	20 - 25	23 - 28	26 - 33	
	10 - 13	11 - 15	13 - 17	15 - 20	17 - 23	20 - 26	
<b>I</b>	I/A	I/A	I/A	I/A	A	A	
	13 - 16	14 - 18	17 - 21	19 - 24	22 - 27	25 - 31	
	10 - 13	12 - 14	13 - 17	15 - 19	17 - 22	20 - 25	
<b>J</b>	8 - 10	9 - 12	10 - 13	11 - 15	13 - 17	15 - 20	
	C/I/A	I/A	I/A	I/A	I/A	A	
	6 - 8	8 - 10	10 - 12	11 - 14	15 - 19	20 - 25	
<b>K</b>	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16	
	C	C/I	I	I/A	I/A	I/A	
<b>L</b>	6 - 8	6 - 8	6 - 8	8 - 10	9 - 11	10 - 12	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8	

A - Active Punishment      I - Intermediate Punishment      C - Community Punishment  
Numbers shown are in months and represent the range of minimum sentences

Revised: 09-09-13



**OHIO**  
CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**NORTH CAROLINA** (continued)

**\*\*\*Effective for Offenses Committed on or after 12/1/13\*\*\***

**MISDEMEANOR PUNISHMENT CHART**

CLASS	PRIOR CONVICTION LEVEL			
	I	II		III
	No Prior Convictions	One to Four Prior Convictions		Five or More Prior Convictions
A1	C/A 1 - 60 days	C/A 1 - 75 days		C/A 1 - 150 days
1	C 1 - 45 days	C/A 1 - 45 days		C/A 1 - 120 days
2	C 1 - 30 days	C/I 1 - 45 days		C/A 1 - 60 days
3	C Fine Only* 1 - 10 days	One to Three Prior Convictions	Four Prior Convictions	C/A 1 - 20 days
		C Fine Only* 1 - 15 days	C/I 1 - 15 days	

\*Unless otherwise provided for a specific offense, the judgment for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

A – Active Punishment    I – Intermediate Punishment    C – Community Punishment  
Cells with slash allow either disposition at the discretion of the judge



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## **NORTH DAKOTA**

### **NDCC, § 12.1-32-01. Classification of offenses--Penalties**

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment without parole may be imposed. The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole. Notwithstanding the provisions of [section 12-59-05](#), a person found guilty of a class AA felony and who receives a sentence of life imprisonment with parole, shall not be eligible to have that person's sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after that person's admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
4. Class C felony, for which a maximum penalty of five years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
5. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of three thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.
7. Infraction, for which a maximum fine of one thousand dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which the person was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under [section 12.1-32-09](#), relating to extended sentences.



**OHIO**

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**OHIO**

**Ohio Criminal Law Handbook 2015 (excerpt)**

**TABLE OF PENALTIES**

(Including legislation passed and filed with the Secretary of State through File 195 of the 130th General Assembly)

**SPECIAL FELONIES (SpecF)**

(2929.02—2929.04)

Table of Penalties

Classification	Confinement	Maximum Fine	Organizational Fine (2929.31)
<b>AGGRAVATED MURDER (2903.01)</b>			
—death specifications	Death, life imprisonment without parole, life with parole after 20 years, life with parole after 25 years, or life with parole after 30 years	\$25,000	\$100,000
—no death specification	Life imprisonment without parole, life with parole after 20 years, life with parole after 25 years, and life with parole after 30 years		\$100,000
<b>MURDER (2903.02)</b>	15 years to life, or 30 years to life if victim was under 13 and the defendant had a sexual motivation (see §2929.02); in addition, may be fined up to \$15,000	\$15,000	\$ 50,000



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**OHIO** (continued)

TABLE OF PENALTIES

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Table of Penalties

**FELONIES (F)**

(2929.14)

Classification	Confinement <sup>1</sup>	Maximum Fine	Organizational Fine (2929.31)
<b>FELONY 1 (F1)</b>	3, 4, 5, 6, 7, 8, 9, 10, or 11 years (Additional 1 to 10 years for certain offenses) <sup>3</sup>	\$20,000	\$25,000
<b>FELONY 2 (F2)</b>	2, 3, 4, 5, 6, 7, or 8 years (Additional 1 to 10 years for certain offenses) <sup>3</sup>	\$15,000	\$20,000
<b>FELONY 3 (F3)</b>	9, 12, 18, 24, 30, or 36 months <sup>3</sup>	\$10,000	\$15,000
<b>FELONY 4 (F4)</b>	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months	\$ 5,000	\$10,000
<b>FELONY 5 (F5)</b>	6, 7, 8, 9, 10, 11, or 12 months	\$ 2,500	\$ 7,500

**A. Additional penalties for use or possession of a firearm (2929.14(D)(1)(a)).**

1. Possession of an automatic or muffled firearm—6 additional years.
2. Displaying, brandishing, or using firearm—3 additional years.
3. Firearm not factor in committing the crime—1 additional year.
4. Drive-by shooting—5 additional years plus penalty for use or possession of gun as above plus penalty for the underlying offense.
5. Discharging firearm at peace or corrections office—7 additional years (2929.14(D)(1)(f))<sup>4</sup>
6. The additional prison terms imposed under this section may not be reduced by §§ 2929.20, 2967.193, or any other provision of Chapters 2967, or 5120.

**B. Additional penalties for repeat violent offenders (2929.14(D)(2)).**

- Where there is no physical harm or disfigurement, the offender shall be sentenced to any prison term specified in the range of prison terms for the specific offense.
- Where there is physical harm with a substantial risk of death or permanent disfigurement, the offender shall be sentenced to the longest prison term specified in the range of prison terms for the specific offense.
- If the prison terms specified for the specific offense are inadequate to punish the offender and protect the public from future crime because the offender is likely to commit future crimes and the terms are demeaning to the seriousness of the offense because the offender's conduct is more serious than normal (2929.12), the offender shall be sentenced to an additional term of 1 to 10 years.

The additional prison term imposed under this section may not be reduced by §§ 2929.20, 2967.193, or any other provision of Chapters 2967, or 5120.

**C. Additional penalties for major drug offenders, corrupt activity, attempted forcible rape and attempted felonious sexual penetration when victim is under 13 years of age (2929.13(F), 2929.14(D)(3)).**

- Where a mandatory 10 year sentence is required and a finding is made that the term is inadequate to punish the offender and protect the public from future crimes because the offender is likely to commit future crimes and the term is demeaning to the seriousness of the offense because the offender's conduct is more serious than normal (2929.12), the offender shall be sentenced to an additional term of 1 to 10 years.

<sup>1</sup> The overriding purposes of felony sentencing are (1) to protect the public from future crime by the offender and others, and (2) to punish the offender. To achieve these purposes the court is required to consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both. A sentence imposed for a felony must be reasonably calculated to achieve the above-stated purposes, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar crimes committed by other offenders with similar characteristics. (2929.11) If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to § 2929.18 or a sanction of community service pursuant to § 2929.17 as the sole sanction for the offense. If the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court may also impose a financial sanction pursuant to § 2929.18 but may not impose any additional sanction or combination of sanctions under §§ 2929.16 or 2929.17 (2929.13). The offender may also be ordered to pay all or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

<sup>2</sup> Repeat violent offenders (2929.14(D)(2)), and major drug offenders (2929.14(D)(3)).

<sup>3</sup> If a violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the Revised Code or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, prison term shall be 12, 18, 24, 30, 36, 42, 48, 54, or 60 months.

<sup>4</sup> Additional 7-year term cannot be imposed unless indictment or information states specification (2941.14.12).



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

**OHIO** (continued)

TABLE OF PENALTIES

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Table of Penalties

**MISDEMEANORS (M)**  
(2929.24, 2929.28)<sup>5</sup>

Classification	Confinement <sup>6</sup>	Maximum Fine <sup>7</sup>	Organizational Fine (2929.81)
MISDEMEANOR 1 (M1)	Maximum sentence of 180 days	\$ 1,000	\$ 5,000
MISDEMEANOR 2 (M2)	Maximum sentence of 90 days	\$ 750	\$ 4,000
MISDEMEANOR 3 (M3)	Maximum sentence of 60 days	\$ 500	\$ 3,000
MISDEMEANOR 4 (M4)	Maximum sentence of 30 days	\$ 250	\$ 2,000
MINOR MISDEMEANOR (MM)	None	\$ 150	\$ 1,000

A. If an offender is convicted of or pleads guilty to a misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a jail term on the offender for the misdemeanor violation, the court may impose upon the offender an additional definite jail term as follows:

- (a) Subject to division (F)(1)(b) of this section, an additional definite jail term of not more than sixty days;
- (b) If the offender previously has been convicted of or pleaded guilty to one or more misdemeanor or felony violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional definite jail term of not more than one hundred twenty days.

In lieu of imposing an additional definite jail term, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional jail term that the court could have imposed upon the offender.

B. If an offender is convicted of or pleads guilty to a misdemeanor violation of section 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, the court shall impose on the offender a mandatory jail term that is a definite term of at least thirty days.

<sup>5</sup> Committed on or after 1/1/04, restitution may also be required, R.C. § 2929.28(A). See also R.C. §§ 2929.21-2929.24 (misdemeanor sentencing).

<sup>6</sup> See also R.C. § 2967.193 regarding days of credit. Maximum reductions are set forth following this Table of Penalties.

<sup>7</sup> Offender required to pay towing and storage fees if convicted of theft offense involving motor vehicle or major part thereof. See R.C. § 2913.62.



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## **OKLAHOMA**

### **21 Okl.St. Ann. § 4. Crimes classified**

Crimes are divided into:

1. Felonies;
2. Misdemeanors.

### **21 Okl.St. Ann. § 5. Felony defined**

A felony is a crime which is, or may be, punishable with death, or by imprisonment in the penitentiary.

### **21 Okl.St. Ann. § 6. Misdemeanor defined**

Every other crime is a misdemeanor.

### **21 Okl.St. Ann. § 9. Punishment of felonies**

Except in cases where a different punishment is prescribed by this title, or by some existing provision of law, every offense declared to be a felony is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

### **21 Okl.St. Ann. § 10. Punishment of misdemeanor**

Except in cases where a different punishment is prescribed by this chapter<sup>1</sup> or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding Five Hundred Dollars (\$500.00), or both such fine and imprisonment.



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## **OREGON**

### **O.R.S. § 161.605. Maximum terms of imprisonment; felonies**

The maximum term of an indeterminate sentence of imprisonment for a felony is as follows:

- (1) For a Class A felony, 20 years.
- (2) For a Class B felony, 10 years.
- (3) For a Class C felony, 5 years.
- (4) For an unclassified felony as provided in the statute defining the crime.

### **O.R.S. § 161.615. Sentences for misdemeanors**

Sentences for misdemeanors shall be for a definite term. The court shall fix the term of imprisonment within the following maximum limitations:

- (1) For a Class A misdemeanor, 1 year.
- (2) For a Class B misdemeanor, 6 months.
- (3) For a Class C misdemeanor, 30 days.
- (4) For an unclassified misdemeanor, as provided in the statute defining the crime.

### **O.R.S. § 161.625. Felonies; fines**

(1) A sentence to pay a fine for a felony shall be a sentence to pay an amount, fixed by the court, not exceeding:

- (a) \$500,000 for murder or aggravated murder.
- (b) \$375,000 for a Class A felony.
- (c) \$250,000 for a Class B felony.
- (d) \$125,000 for a Class C felony.

(2) A sentence to pay a fine for an unclassified felony shall be a sentence to pay an amount, fixed by the court, as provided in the statute defining the crime.



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## **OREGON** (continued)

(3)(a) If a person has gained money or property through the commission of a felony, then upon conviction thereof the court, in lieu of imposing the fine authorized for the crime under subsection (1) or (2) of this section, may sentence the defendant to pay an amount, fixed by the court, not exceeding double the amount of the defendant's gain from the commission of the crime.

(b) The provisions of paragraph (a) of this subsection do not apply to the felony theft of a companion animal, as defined in [ORS 164.055](#), or a captive wild animal.

(4) As used in this section, "gain" means the amount of money or the value of property derived from the commission of the felony, less the amount of money or the value of property returned to the victim of the crime or seized by or surrendered to lawful authority before the time sentence is imposed. "Value" shall be determined by the standards established in [ORS 164.115](#).

(5) When the court imposes a fine for a felony the court shall make a finding as to the amount of the defendant's gain from the crime. If the record does not contain sufficient evidence to support a finding the court may conduct a hearing upon the issue.

(6) Except as provided in [ORS 161.655](#), this section does not apply to a corporation.

### **O.R.S. § 161.635. Misdemeanors; fines**

(1) A sentence to pay a fine for a misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding:

(a) \$6,250 for a Class A misdemeanor.

(b) \$2,500 for a Class B misdemeanor.

(c) \$1,250 for a Class C misdemeanor.

(2) A sentence to pay a fine for an unclassified misdemeanor shall be a sentence to pay an amount, fixed by the court, as provided in the statute defining the crime.

(3) If a person has gained money or property through the commission of a misdemeanor, then upon conviction thereof the court, instead of imposing the fine authorized for the offense under this section, may sentence the defendant to pay an amount fixed by the court, not exceeding double the amount of the defendant's gain from the commission of the offense. In that event, [ORS 161.625 \(4\)](#) and [\(5\)](#) apply.

(4) This section does not apply to corporations.



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## **PENNSYLVANIA**

### **18 Pa.C.S.A. § 1101. Fines**

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

- (1) \$50,000, when the conviction is of murder or attempted murder.
- (2) \$25,000, when the conviction is of a felony of the first or second degree.
- (3) \$15,000, when the conviction is of a felony of the third degree.
- (4) \$10,000, when the conviction is of a misdemeanor of the first degree.
- (5) \$5,000, when the conviction is of a misdemeanor of the second degree.
- (6) \$2,500, when the conviction is of a misdemeanor of the third degree.
- (7) \$300, when the conviction is of a summary offense for which no higher fine is established.
- (8) Any higher amount equal to double the pecuniary gain derived from the offense by the offender.
- (9) Any higher or lower amount specifically authorized by statute.

### **18 Pa.C.S.A. § 1102. Sentence for murder, murder of unborn child and murder of law enforcement officer**

Effective: October 25, 2012

#### **(a) First degree.—**

- (1) Except as provided under [section 1102.1](#) (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), a person who has been convicted of a murder of the first degree or of murder of a law enforcement officer of the first degree shall be sentenced to death or to a term of life imprisonment in accordance with [42 Pa.C.S. § 9711](#) (relating to sentencing procedure for murder of the first degree).
- (2) The sentence for a person who has been convicted of first degree murder of an unborn child shall be the same as the sentence for murder of the first degree, except that the death penalty shall not be imposed. This paragraph shall not affect the determination of an aggravating circumstance under [42 Pa.C.S. § 9711\(d\)\(17\)](#) for the killing of a pregnant woman.

**(b) Second degree.--**Except as provided under [section 1102.1](#), a person who has been convicted of murder of the second degree, of second degree murder of an unborn child or of second degree murder of a law enforcement officer shall be sentenced to a term of life imprisonment.

## **PENNSYLVANIA**



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

## **PENNSYLVANIA** (continued)

**(c) Attempt, solicitation and conspiracy.**--Notwithstanding [section 1103\(1\)](#) (relating to sentence of imprisonment for felony), a person who has been convicted of attempt, solicitation or conspiracy to commit murder, murder of an unborn child or murder of a law enforcement officer where serious bodily injury results may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years. Where serious bodily injury does not result, the person may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 20 years.

**(d) Third degree.**--Notwithstanding [section 1103](#), a person who has been convicted of murder of the third degree or of third degree murder of an unborn child shall be sentenced to a term which shall be fixed by the court at not more than 40 years.

### **18 Pa.C.S.A. § 1103. Sentence of imprisonment for felony**

Except as provided in [42 Pa.C.S. § 9714](#) (relating to sentences for second and subsequent offenses), a person who has been convicted of a felony may be sentenced to imprisonment as follows:

- (1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.
- (2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.
- (3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.

### **18 Pa.C.S.A. § 1104. Sentence of imprisonment for misdemeanors**

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

- (1) Five years in the case of a misdemeanor of the first degree.
- (2) Two years in the case of a misdemeanor of the second degree.
- (3) One year in the case of a misdemeanor of the third degree.



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## **RHODE ISLAND**

### **Gen.Laws 1956, § 11-1-1. Common law offenses not covered by statute**

Every act and omission which is an offense at common law, and for which no punishment is prescribed by the general laws, may be prosecuted and punished as an offense at common law. Every person who shall be convicted of any offense which is a misdemeanor at common law shall be imprisoned for a term not exceeding one year or be fined not exceeding five hundred dollars (\$500). Every person who shall be convicted of any offense which is a felony at common law shall be imprisoned for a term not exceeding five (5) years or be fined not exceeding five thousand dollars (\$5,000).

### **Gen.Laws 1956, § 11-1-2. Felony, misdemeanor--Petty misdemeanor and violation distinguished**

Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than one year, or by a fine of more than one thousand dollars (\$1,000), is declared to be a felony; any criminal offense which may be punishable by imprisonment for a term not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or both, is declared to be a misdemeanor; any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or both, is declared to be a petty misdemeanor; and any offense which may be punished by only a fine of not more than five hundred dollars (\$500) is declared to be a violation.



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## **SOUTH CAROLINA**

### **Code 1976 § 16-1-20. Penalties for classes of felonies. (excerpt)**

(A) A person convicted of classified offenses, must be imprisoned as follows:

- (1) for a Class A felony, not more than thirty years;
- (2) for a Class B felony, not more than twenty-five years;
- (3) for a Class C felony, not more than twenty years;
- (4) for a Class D felony, not more than fifteen years;
- (5) for a Class E felony, not more than ten years;
- (6) for a Class F felony, not more than five years;
- (7) for a Class A misdemeanor, not more than three years;
- (8) for a Class B misdemeanor, not more than two years;
- (9) for a Class C misdemeanor, not more than one year.

(B) For all offenders sentenced on or after July 1, 1993, the minimum term of imprisonment required by law does not apply to the offenses listed in [Sections 16-1-90](#) and [16-1-100](#) unless the offense refers to a mandatory minimum sentence or the offense prohibits suspension of any part of the sentence. Offenses listed in [Section 16-1-10\(C\)](#) and (D) are exempt and minimum terms of imprisonment are applicable. No sentence of imprisonment precludes the timely execution of a death sentence.

(C) This chapter does not apply to the minimum sentences established for fines or community service.



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## **SOUTH DAKOTA**

### **SDCL § 22-6-1. Felony classes and penalties--Restitution--Habitual criminal sentences**

Except as otherwise provided by law, felonies are divided into the following nine classes which are distinguished from each other by the following maximum penalties which are authorized upon conviction:

- (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence than death or life imprisonment may not be given for a Class A felony. In addition, a fine of fifty thousand dollars may be imposed;
- (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not be given for a Class B felony. In addition, a fine of fifty thousand dollars may be imposed;
- (3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;
- (4) Class 1 felony: fifty years imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;
- (5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;
- (6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed;
- (7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed;
- (8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed; and
- (9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.

If the defendant is under the age of eighteen years at the time of the offense and found guilty of a Class A or B felony, the maximum sentence may be life imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed.

The court, in imposing sentence on a defendant who has been found guilty of a felony, shall order in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provisions of chapter 23A-28.

Nothing in this section limits increased sentences for habitual criminals under [§§ 22-7-7, 22-7-8, and 22-7-8.1](#).



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**SOUTH DAKOTA** (continued)

**SDCL § 22-6-2. Misdemeanor classes and penalties--Restitution--Misdemeanor when no penalty imposed**

Misdemeanors are divided into two classes which are distinguished from each other by the following maximum penalties which are authorized upon conviction:

- (1) Class 1 misdemeanor: one year imprisonment in a county jail or two thousand dollars fine, or both;
- (2) Class 2 misdemeanor: thirty days imprisonment in a county jail or five hundred dollars fine, or both.

The court, in imposing sentence on a defendant who has been found guilty of a misdemeanor, shall order, in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provisions of chapter 23A-28.

Except in Titles 1 to 20, inclusive, 22, 25 to 28, inclusive, 32 to 36, inclusive, 40 to 42, inclusive, 47 to 54, inclusive, and 58 to 62, inclusive, if the performance of an act is prohibited by a statute, and no penalty for the violation of such statute is imposed by a statute, the doing of such act is a Class 2 misdemeanor.



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## **TENNESSEE**

### **T. C. A. § 40-35-110. Classification**

Effective: August 11, 2010

(a) Felonies are classified for the purpose of sentencing into five (5) categories:

- (1) Class A felonies;
- (2) Class B felonies;
- (3) Class C felonies;
- (4) Class D felonies; and
- (5) Class E felonies.

(b) An offense designated a felony without specification as to category is a Class E felony.

(c) Misdemeanors are classified for the purpose of sentencing into three (3) categories:

- (1) Class A misdemeanors;
- (2) Class B misdemeanors; and
- (3) Class C misdemeanors.

(d) An offense designated as a misdemeanor without specification as to category is a Class A misdemeanor.

### **T. C. A. § 40-35-111. Authorized sentences; prison terms or fines; reports**

Effective: August 11, 2010

(a) A sentence for a felony is a determinate sentence.

(b) The authorized terms of imprisonment and fines for felonies are:

- (1) Class A felony, not less than fifteen (15) nor more than sixty (60) years. In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute;
- (2) Class B felony, not less than eight (8) nor more than thirty (30) years. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute;
- (3) Class C felony, not less than three (3) years nor more than fifteen (15) years. In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute;



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**TENNESSEE** (continued)

(4) Class D felony, not less than two (2) years nor more than twelve (12) years. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute; and

(5) Class E felony, not less than one (1) year nor more than six (6) years. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute.

(c)(1) A sentence to pay a fine, when imposed on a corporation for an offense defined in title 39 or for any offense defined in any other title for which no special corporate fine is specified, is a sentence to pay an amount, not to exceed:

(A) Three hundred fifty thousand dollars (\$350,000) for a Class A felony;

(B) Three hundred thousand dollars (\$300,000) for a Class B felony;

(C) Two hundred fifty thousand dollars (\$250,000) for a Class C felony;

(D) One hundred twenty-five thousand dollars (\$125,000) for a Class D felony; and

(E) Fifty thousand dollars (\$50,000) for a Class E felony.

(2) If a special fine for a corporation is expressly specified in the statute that defines an offense, the fine fixed shall be within the limits specified in the statute.

(d) A sentence for a misdemeanor is a determinate sentence.

(e) The authorized terms of imprisonment and fines for misdemeanors are:

(1) Class A misdemeanor, not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute;

(2) Class B misdemeanor, not greater than six (6) months or a fine not to exceed five hundred dollars (\$500), or both, unless otherwise provided by statute; and

(3) Class C misdemeanor, not greater than thirty (30) days or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute.

(f) In order to furnish the general assembly with information necessary to make an informed determination as to whether the increase in the cost of living and changes in income for residents of Tennessee has resulted in the minimum and maximum authorized fine ranges no longer being commensurate with the amount of fine deserved for the offense committed, every five (5) years, on or before January 15, the fiscal review committee shall report to the chief clerks of the senate and the



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**TENNESSEE** (continued)

house of representatives of the general assembly the percentage of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics and shall inform the general assembly what the statutory minimum and maximum authorized fine for each offense classification would be if adjusted to reflect the compounded cost-of-living increases during the five-year period.

**T. C. A. § 40-35-112. Sentence ranges**

Effective: August 11, 2010

(a) A Range I sentence is as follows:

- (1) For a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years;
- (2) For a Class B felony, not less than eight (8) nor more than twelve (12) years;
- (3) For a Class C felony, not less than three (3) nor more than six (6) years;
- (4) For a Class D felony, not less than two (2) nor more than four (4) years; and
- (5) For a Class E felony, not less than one (1) nor more than two (2) years.

(b) A Range II sentence is as follows:

- (1) For a Class A felony, not less than twenty-five (25) nor more than forty (40) years;
- (2) For a Class B felony, not less than twelve (12) nor more than twenty (20) years;
- (3) For a Class C felony, not less than six (6) nor more than ten (10) years;
- (4) For a Class D felony, not less than four (4) nor more than eight (8) years; and
- (5) For a Class E felony, not less than two (2) nor more than four (4) years.

(c) A Range III sentence is as follows:

- (1) For a Class A felony, not less than forty (40) nor more than sixty (60) years;
- (2) For a Class B felony, not less than twenty (20) nor more than thirty (30) years;
- (3) For a Class C felony, not less than ten (10) nor more than fifteen (15) years;
- (4) For a Class D felony, not less than eight (8) nor more than twelve (12) years; and
- (5) For a Class E felony, not less than four (4) nor more than six (6) years.



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## **TEXAS**

### **V.T.C.A., Penal Code § 12.02. Classification of Offenses**

Offenses are designated as felonies or misdemeanors.

### **V.T.C.A., Penal Code § 12.03. Classification of Misdemeanors**

(a) Misdemeanors are classified according to the relative seriousness of the offense into three categories:

- (1) Class A misdemeanors;
- (2) Class B misdemeanors;
- (3) Class C misdemeanors.

(b) An offense designated a misdemeanor in this code without specification as to punishment or category is a Class C misdemeanor.

(c) Conviction of a Class C misdemeanor does not impose any legal disability or disadvantage.

### **V.T.C.A., Penal Code § 12.04. Classification of Felonies**

(a) Felonies are classified according to the relative seriousness of the offense into five categories:

- (1) capital felonies;
- (2) felonies of the first degree;
- (3) felonies of the second degree;
- (4) felonies of the third degree; and
- (5) state jail felonies.

(b) An offense designated a felony in this code without specification as to category is a state jail felony.



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**TEXAS** (continued)

**V.T.C.A., Penal Code § 12.21. Class A Misdemeanor**

An individual adjudged guilty of a Class A misdemeanor shall be punished by:

- (1) a fine not to exceed \$4,000;
- (2) confinement in jail for a term not to exceed one year; or
- (3) both such fine and confinement.

**V.T.C.A., Penal Code § 12.22. Class B Misdemeanor**

An individual adjudged guilty of a Class B misdemeanor shall be punished by:

- (1) a fine not to exceed \$2,000;
- (2) confinement in jail for a term not to exceed 180 days; or
- (3) both such fine and confinement.

**V.T.C.A., Penal Code § 12.23. Class C Misdemeanor**

An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500.

**V.T.C.A., Penal Code § 12.31. Capital Felony**

Effective: July 22, 2013

(a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for:

- (1) life, if the individual committed the offense when younger than 18 years of age; or
- (2) life without parole, if the individual committed the offense when 18 years of age or older.

(b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty, prospective jurors shall be informed that the state is not seeking the death penalty and that:



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**TEXAS** (continued)

- (1) a sentence of life imprisonment is mandatory on conviction of the capital felony, if the individual committed the offense when younger than 18 years of age; or
- (2) a sentence of life imprisonment without parole is mandatory on conviction of the capital felony, if the individual committed the offense when 18 years of age or older.

**V.T.C.A., Penal Code § 12.32. First Degree Felony Punishment**

Effective: September 1, 2009

- (a) An individual adjudged guilty of a felony of the first degree shall be punished by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 5 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed \$10,000.

**V.T.C.A., Penal Code § 12.33. Second Degree Felony Punishment**

Effective: September 1, 2009

- (a) An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.
- (b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.



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**TEXAS** (continued)

**V.T.C.A., Penal Code § 12.34. Third Degree Felony Punishment**

Effective: September 1, 2009

(a) An individual adjudged guilty of a felony of the third degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$10,000.

**V.T.C.A., Penal Code § 12.35. State Jail Felony Punishment**

Effective: September 1, 2011

(a) Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.

(b) In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.

(c) An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:

(1) a deadly weapon as defined by [Section 1.07](#) was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or

(2) the individual has previously been finally convicted of any felony:

(A) under [Section 20A.03](#) or [21.02](#) or listed in [Section 3g\(a\)\(1\), Article 42.12, Code of Criminal Procedure](#); or

(B) for which the judgment contains an affirmative finding under [Section 3g\(a\)\(2\), Article 42.12, Code of Criminal Procedure](#).



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## **UTAH**

### **U.C.A. 1953 § 76-3-102. Designation of offenses**

Offenses are designated as felonies, misdemeanors, or infractions.

### **U.C.A. 1953 § 76-3-103. Felonies classified**

(1) Felonies are classified into four categories:

- (a) Capital felonies;
- (b) Felonies of the first degree;
- (c) Felonies of the second degree;
- (d) Felonies of the third degree.

(2) An offense designated as a felony either in this code or in another law, without specification as to punishment or category, is a felony of the third degree.

### **U.C.A. 1953 § 76-3-104. Misdemeanors classified**

(1) Misdemeanors are classified into three categories:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;
- (c) Class C misdemeanors.

(2) An offense designated a misdemeanor, either in this code or in another law, without specification as to punishment or category, is a class B misdemeanor.

### **U.C.A. 1953 § 76-3-105. Infractions**

(1) Infractions are not classified.

(2) Any offense which is an infraction within this code is expressly designated and any offense defined outside this code which is not designated as a felony or misdemeanor and for which no penalty is specified is an infraction.



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**UTAH** (continued)

**U.C.A. 1953 § 76-3-203. Felony conviction--Indeterminate term of imprisonment**

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

- (1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.
- (2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.
- (3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

**U.C.A. 1953 § 76-3-204. Misdemeanor conviction--Term of imprisonment**

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (1) In the case of a class A misdemeanor, for a term not exceeding one year;
- (2) In the case of a class B misdemeanor, for a term not exceeding six months;
- (3) In the case of a class C misdemeanor, for a term not exceeding 90 days.

**U.C.A. 1953 § 76-3-206. Capital felony—Penalties**

(1) A person who has pled guilty to or been convicted of a capital felony shall be sentenced in accordance with [Section 76-3-207](#). That sentence shall be death, an indeterminate prison term of not less than 25 years and which may be for life, or, on or after April 27, 1992, life in prison without parole.

(2)(a) The judgment of conviction and sentence of death is subject to automatic review by the Utah State Supreme Court within 60 days after certification by the sentencing court of the entire record unless time is extended an additional period not to exceed 30 days by the Utah State Supreme Court for good cause shown.

(b) The review by the Utah State Supreme Court has priority over all other cases and shall be heard in accordance with rules promulgated by the Utah State Supreme Court.



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**UTAH** (continued)

**U.C.A. 1953 § 76-3-301. Fines of persons**

(1) A person convicted of an offense may be sentenced to pay a fine, not exceeding:

- (a) \$10,000 for a felony conviction of the first degree or second degree;
- (b) \$5,000 for a felony conviction of the third degree;
- (c) \$2,500 for a class A misdemeanor conviction;
- (d) \$1,000 for a class B misdemeanor conviction;
- (e) \$750 for a class C misdemeanor conviction or infraction conviction; and
- (f) any greater amounts specifically authorized by statute.

(2) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.



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## **VERMONT**

### **13 V.S.A. § 1. Felonies and misdemeanors defined**

Any other provision of law notwithstanding any offense whose maximum term of imprisonment is more than two years, for life or which may be punished by death is a felony. Any other offense is a misdemeanor.

### **13 V.S.A. § 7031. Form of sentences; maximum and minimum terms**

(a) When a respondent is sentenced to any term of imprisonment, other than for life, the Court imposing the sentence shall not fix the term of imprisonment, unless the term is definitely fixed by statute, but shall establish a maximum and may establish a minimum term for which the respondent may be held in imprisonment. The maximum term shall not be more than the longest term fixed by law for the offense of which the respondent is convicted, and the minimum term shall be not less than the shortest term fixed by law for the offense. If the Court suspends a portion of the sentence, the unsuspended portion of the sentence shall be the minimum term of sentence solely for the purpose of any reductions of term for good behavior as set forth in [28 V.S.A. § 811](#). A sentence shall not be considered fixed as long as the maximum and minimum terms are not identical.

(b) The sentence of imprisonment of any person convicted of an offense shall commence to run from the date on which the person is received at the correctional facility for service of the sentence. The Court shall give the person credit toward service of his or her sentence for any days spent in custody as follows:

(1) The period of credit for concurrent and consecutive sentences shall include all days served from the date of arraignment or the date of the earliest detention for the offense, whichever occurs first, and end on the date of the sentencing. Only a single credit shall be awarded in cases of consecutive sentences, and no credit for one period of time shall be applied to a later period.

(2) In sentencing a violation of probation, the Court shall give the person credit for any days spent in custody from the time the violation is filed or the person is detained on the violation, whichever occurs first, until the violation is sentenced. In a case in which probation is revoked and the person is ordered to serve the underlying sentence, the person shall receive credit for all time previously served in connection with the offense.

(c) If any such person is committed to a jail or other place of detention to await transportation to the place at which his or her sentence is to be served, his or her sentence shall commence to run from the date on which he or she is received at the jail or the place of detention.

(d) A person who receives a zero minimum sentence for a conviction of a nonviolent misdemeanor or nonviolent felony as defined in [28 V.S.A. § 301](#) shall report to probation and parole as directed by the Court and begin to serve the sentence in the community immediately, unless the person is serving a prior sentence at the time.



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## **VIRGINIA**

### **VA Code Ann. § 18.2-8. Felonies, misdemeanors and traffic infractions defined**

Offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in a state correctional facility are felonies; all other offenses are misdemeanors. Traffic infractions are violations of public order as defined in [§ 46.2-100](#) and not deemed to be criminal in nature.

### **VA Code Ann. § 18.2-9. Classification of criminal offenses**

(1) Felonies are classified, for the purposes of punishment and sentencing, into six classes:

- (a) Class 1 felony
- (b) Class 2 felony
- (c) Class 3 felony
- (d) Class 4 felony
- (e) Class 5 felony
- (f) Class 6 felony.

(2) Misdemeanors are classified, for the purposes of punishment and sentencing, into four classes:

- (a) Class 1 misdemeanor
- (b) Class 2 misdemeanor
- (c) Class 3 misdemeanor
- (d) Class 4 misdemeanor.

### **VA Code Ann. § 18.2-10. Punishment for conviction of felony; penalty**

Effective: July 1, 2008

The authorized punishments for conviction of a felony are:

- (a) For Class 1 felonies, death, if the person so convicted was 18 years of age or older at the time of the offense and is not determined to be mentally retarded pursuant to [§ 19.2-264.3:1.1](#), or imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be mentally retarded pursuant to [§ 19.2-264.3:1.1](#), the punishment shall be imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000.



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**VIRGINIA** (continued)

(b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.

(e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(g) Except as specifically authorized in subdivision (e) or (f), or in Class 1 felonies for which a sentence of death is imposed, the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person, the court shall impose only a fine.

For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months, impose an additional term of not less than six months nor more than three years, which shall be suspended conditioned upon successful completion of a period of post-release supervision pursuant to [§ 19.2-295.2](#) and compliance with such other terms as the sentencing court may require. However, such additional term may only be imposed when the sentence includes an active term of incarceration in a correctional facility.

For a felony offense prohibiting proximity to children as described in [subsection A of § 18.2-370.2](#), the sentencing court is authorized to impose the punishment set forth in that section in addition to any other penalty provided by law.

**VA Code Ann. § 18.2-11. Punishment for conviction of misdemeanor**

The authorized punishments for conviction of a misdemeanor are:

(a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

(b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.



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**VIRGINIA** (continued)

(c) For Class 3 misdemeanors, a fine of not more than \$500.

(d) For Class 4 misdemeanors, a fine of not more than \$250.

For a misdemeanor offense prohibiting proximity to children as described in [subsection A of § 18.2-370.2](#), the sentencing court is authorized to impose the punishment set forth in subsection B of that section in addition to any other penalty provided by law.



# OHIO

## CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

### WASHINGTON

#### Washington State Adult Sentencing Guidelines Manual 2014 (excerpt)

## SECTION 3 - SENTENCING GUIDELINES

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This section explains the rules for applying the sentencing guidelines to **felony crimes committed after June 30, 1984**, including changes enacted by the 2014 legislative session.

### **DETERMINING FELONY CLASS**

Felonies defined in Title 9A and Title 9 of the Revised Code of Washington (RCW) fall into one of three classes: Class A, Class B or Class C. The class of these felonies is either defined explicitly as part of the definition of the offense, or implicitly, based on the statutory maximum period of incarceration. A felony washout period (RCW 9.94A.525(2)), vacation of conviction record (RCW 9.94A.640), status as a violent offense (RCW 9.94A.030(54)) and statutory maximum period of incarceration are functions of offense class.

#### Felonies Defined in Title 9A RCW

Felonies defined by Title 9A RCW have an A, B or C class designation explicitly stated. These felonies carry the following maximum penalties (RCW 9A.20.021):

Class A	Life in prison, \$50,000 fine
Class B	Ten years in prison, \$20,000 fine
Class C	Five years in prison, \$10,000 fine

#### Felonies Defined Outside Title 9A

Some felonies are defined outside Title 9A RCW without an explicit felony class. The 1996 Legislature<sup>1</sup> enacted RCW 9.94A.035, establishing the classes of such offenses for SRA purposes. The class is based on the maximum period of incarceration provided for the first conviction of violating the statute creating the offense:

Class A	20 years or more
Class B	Eight or more, less than 20 years
Class C	Less than eight years

Therefore, statutes increasing the maximum sentence for subsequent convictions do not affect the classification of the offense for SRA purposes, even though they increase the maximum sentence that may be imposed.

### WASHINGTON (continued next page)



**OHIO**

CRIMINAL SENTENCING COMMISSION

Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

## SECTION 4 - SENTENCING GRIDS AND FELONY OFFENSES

### SENTENCING GRID D: FOR CRIMES COMMITTED AFTER JULY 24, 1999

"CURRENT"  
RCW 9.94A.510

		Offender Score									
		0	1	2	3	4	5	6	7	8	9+
		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.*									
S e r i o u s s e s L e v e l	LEVEL XVI	280m	291.5m	304m	316m	327.5m	339.5m	364m	394m	431.5m	479.5m
	LEVEL XV	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
	LEVEL XIV	171.5m	184m	194m	204m	215m	225m	245m	266m	307m	347.5m
		123 - 220	134 - 234	144 - 244	154 - 254	165 - 265	175 - 275	195 - 295	216 - 316	257 - 357	298 - 397
	LEVEL XIII	143.5m	156m	168m	179.5m	192m	204m	227.5m	252m	299.5m	347.5m
		123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
	LEVEL XII	108m	119m	129m	140m	150m	161m	189m	207m	243m	279m
		93 - 123	102 - 136	111 - 147	120 - 160	129 - 171	138 - 184	162 - 216	178 - 236	209 - 277	240 - 318
	LEVEL XI	90m	100m	110m	119m	129m	139m	170m	185m	215m	245m
		78 - 102	86 - 114	95 - 125	102 - 136	111 - 147	120 - 158	146 - 194	159 - 211	185 - 245	210 - 280
	LEVEL X	59.5m	66m	72m	78m	84m	89.5m	114m	126m	150m	230.5m
		51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
	LEVEL IX	36m	42m	47.5m	53.5m	59.5m	66m	89.5m	101.5m	126m	150m
		31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
	LEVEL VIII	24m	30m	36m	42m	47.5m	53.5m	78m	89.5m	101.5m	126m
		21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144
LEVEL VII	17.5m	24m	30m	36m	42m	47.5m	66m	78m	89.5m	101.5m	
	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116	
LEVEL VI	13m	17.5m	24m	30m	36m	42m	53.5m	66m	78m	89.5m	
	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102	
LEVEL V	9m	13m	15m	17.5m	25.5m	38m	47.5m	59.5m	72m	84m	
	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96	
LEVEL IV	6m	9m	13m	15m	17.5m	25.5m	38m	50m	61.5m	73.5m	
	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84	
LEVEL III	2m	5m	8m	11m	14m	19.5m	25.5m	38m	50m	59.5m	
	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68	
LEVEL II		4m	6m	8m	13m	16m	19.5m	25.5m	38m	50m	
	0-90 days	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57	
LEVEL I		3m	4m	5.5m	8m	13m	16m	19.5m	25.5m		
	0-60 days	0-90 days	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	

\*NOTE: 2SSB 5064, passed during the 2014 legislative session, amended the mandatory minimum term for aggravated first degree murder committed before the offender's 18th birthday. The changes were made retroactive and, therefore, apply regardless of the date of offense. Refer to RCW 9.94A.510, RCW 9.94A.540, RCW 9.94A.729, RCW 10.95.030, and RCW 10.95.035.

The Caseload Forecast Council is not liable for errors or omissions in the manual, for sentences that may be inappropriately calculated as a result of a practitioner's or court's reliance on the manual, or for any other written or verbal information related to adult or juvenile sentencing. The scoring sheets are intended to provide assistance in most cases but do not cover all permutations of the scoring rules. If you find any errors or omissions, we encourage you to report them to the Caseload Forecast Council.



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**WASHINGTON** (continued)

West's **RCWA 9A.20.010. Classification and designation of crimes**

(1) Classified Felonies.

(a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.

(b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:

- (i) Class A felony; or
- (ii) Class B felony; or
- (iii) Class C felony.

(2) Misdemeanors and Gross Misdemeanors.

(a) Any crime punishable by a fine of not more than one thousand dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

(b) All crimes other than felonies and misdemeanors are gross misdemeanors.

West's **RCWA 9A.20.021. Maximum sentences for crimes committed July 1, 1984, and after**

Effective: July 24, 2015

(1) Felony. Unless a different maximum sentence for a classified felony is specifically established by a statute of this state, no person convicted of a classified felony shall be punished by confinement or fine exceeding the following:

- (a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;
- (b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;
- (c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.

(2) Gross misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to three



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**WASHINGTON** (continued)

hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(4) This section applies to only those crimes committed on or after July 1, 1984.

(5) The fines in this section apply to adult offenders only.

**West's RCWA 9.94A.550. Fines**

Effective: July 24, 2015

Unless otherwise provided by a statute of this state, on all sentences under this chapter the court may impose fines on adult offenders according to the following ranges:

Class A felonies	\$0--50,000
Class B felonies	\$0--20,000
Class C felonies	\$0--10,000



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## **WEST VIRGINIA**

### **W. Va. Code, § 61-11-1. Classification of offenses**

Offenses are either felonies or misdemeanors. Such offenses as are punishable by confinement in the penitentiary are felonies; all other offenses are misdemeanors.

The word “penitentiary” as used in this section shall mean and include any and all institutions provided by the State for the confinement of persons sentenced to confinement in the penitentiary, notwithstanding that transfers of such persons from any one of such institutions to another may be authorized.

### **W. Va. Code, § 61-11-16. Term of imprisonment for felony; indeterminate sentence**

Every sentence to the penitentiary of a person convicted of a felony for which the maximum penalty prescribed by law is less than life imprisonment, except offenses committed by convicts in the penitentiary punishable under chapter sixty-two, article eight, section one of the Code, shall be a general sentence of imprisonment in the penitentiary. In imposing this sentence, the judge may, however, designate a definite term, which designation may be considered by the board of probation and parole as the opinion of the judge under the facts and circumstances then appearing of the appropriate term recommended by him to be served by the person sentenced. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the prisoner was convicted, less such good time allowance as is provided by sections twenty-seven and twenty-seven-a, article five, chapter twenty-eight of this Code, in the case of persons sentenced for a definite term. Every other sentence of imprisonment in the penitentiary shall be for a definite term or for life, as the court may determine. The term of imprisonment in jail, where that punishment is prescribed in the case of conviction for felony, shall be fixed by the court.

### **W. Va. Code, § 61-11-17. Court to fix imprisonment and fine for misdemeanor**

The term of confinement in jail of a person found guilty of a misdemeanor, where that punishment is prescribed, shall, unless otherwise provided, be ascertained by the court, and the amount of the fine, where the punishment is by fine, shall, except where it is otherwise provided, be assessed by the court, so far as the term of confinement and the amount of the fine are not fixed by law. In addition to or in lieu of any other punishment prescribed herein, the court may require the person found guilty of such misdemeanor to participate in the litter control program.



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## **WISCONSIN**

### **W.S.A. 939.50. Classification of felonies**

(1) Felonies in the statutes are classified as follows:

- (a) Class A felony.
- (b) Class B felony.
- (c) Class C felony.
- (d) Class D felony.
- (e) Class E felony.
- (f) Class F felony.
- (g) Class G felony.
- (h) Class H felony.
- (i) Class I felony.

(2) A felony is a Class A, B, C, D, E, F, G, H, or I felony when it is so specified in the statutes.

(3) Penalties for felonies are as follows:

- (a) For a Class A felony, life imprisonment.
- (b) For a Class B felony, imprisonment not to exceed 60 years.
- (c) For a Class C felony, a fine not to exceed \$ 100,000 or imprisonment not to exceed 40 years, or both.
- (d) For a Class D felony, a fine not to exceed \$ 100,000 or imprisonment not to exceed 25 years, or both.
- (e) For a Class E felony, a fine not to exceed \$ 50,000 or imprisonment not to exceed 15 years, or both.
- (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both.
- (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.
- (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.
- (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.



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**WISCONSIN** (continued)

**939.51. Classification of misdemeanors, WI ST 939.51**

**W.S.A. 939.51. Classification of misdemeanors**

(1) Misdemeanors in chs. 939 to 951 are classified as follows:

- (a) Class A misdemeanor.
- (b) Class B misdemeanor.
- (c) Class C misdemeanor.

(2) A misdemeanor is a Class A, B or C misdemeanor when it is so specified in chs. 939 to 951.

(3) Penalties for misdemeanors are as follows:

- (a) For a Class A misdemeanor, a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.
- (b) For a Class B misdemeanor, a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.
- (c) For a Class C misdemeanor, a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.



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## **WYOMING**

### **W.S.1977 § 6-10-101. “Felony” and “misdemeanor” defined**

Crimes which may be punished by death or by imprisonment for more than one (1) year are felonies. All other crimes are misdemeanors.

### **W.S.1977 § 6-10-102. Imposition of fine for any felony; maximum fine where not established by statute; court automation fee; indigent civil legal services fee**

The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00). The court shall impose a court automation fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under [W.S. 7-13-301](#). The fee shall be remitted as provided by [W.S. 5-3-205](#). In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under [W.S. 7-13-301](#) or [35-7-1037](#). The indigent civil legal services fee shall be remitted as provided in [W.S. 5-3-205\(a\)\(ii\)](#).

### **W.S.1977 § 6-10-103. Penalties for misdemeanors where not prescribed by statute; court automation fee; indigent civil legal services fee**

Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court shall impose a court automation fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under [W.S. 7-13-301](#). The fee shall be remitted as provided by [W.S. 5-3-205](#). In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under [W.S. 7-13-301](#). The indigent civil legal services fee shall be remitted as provided in [W.S. 5-3-205\(a\)\(ii\)](#).