

THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. COMMISSION ON SENTENCING [204 PA. CODE CH. 303]

Adoption of Sentencing Guidelines

The Pennsylvania Commission on Sentencing is hereby submitting revised sentencing guidelines, 204 Pa. Code §§ 303.1—303.18, for consideration by the General Assembly. The Commission adopted the revised sentencing guidelines on August 11, 2004, published them for comment at 34 Pa.B. 5746 (October 23, 2004), and held public hearings on December 1, 2004, December 2, 2004, December 9, 2004 and December 14, 2004. The Commission modified the proposed guidelines on December 15, 2004, published them for comment at 35 Pa.B. 198 (January 8, 2005), and held a public hearing on February 8, 2005. The Commission adopted the revised sentencing guidelines, found in Annex A, on February 9, 2005.

As specified by statute, 42 Pa.C.S. § 2155, the General Assembly has ninety days from the date of this publication (March 5, 2005) to review the revisions to the sentencing guidelines. Unless rejected by concurrent resolution during that period, these revised guidelines will become effective on Friday, June 3, 2005 and will apply to all offenses committed on or after that date.

REPRESENTATIVE FRANK DERMODY,
Chair

Commentary on Annex A

Reasons for Revisions to Sentencing Guidelines

Pennsylvania's initial sentencing guidelines became effective June 22, 1982, and were subsequently amended on eight occasions, most recently in 1997. The current sentencing guidelines (5th Edition) became effective June 13, 1997 and apply to offenses committed on or after that date. The Commission herein proposes revisions to the 5th Edition sentencing guidelines for several reasons. First, during the past seven years, the General Assembly has enacted, amended or repealed more than 120 statutes that impact on the sentencing guidelines. In addition, the Commission has received requests from practitioners to change the sentence recommendations for a number of offenses, including violations of the Uniform Firearms Act, crimes of violence, weapons of mass destruction, controlled substances, and driving under the influence of alcohol or controlled substance. As a result, the Commission undertook a comprehensive review of all Offense Gravity Score (OGS) and Prior Record Score (PRS) point assignments for offenses covered under the sentencing guidelines. A second and related reason for the proposed revisions is that the Commission has received feedback that the 'totally concurrent' Prior Record Score policy, adopted in 1997, has been difficult to implement due to the complexity of the policy and missing or incomplete prior conviction and sentencing information. A third reason for the revisions is that the Commission is required, pursuant to Act 2002-229, to provide a sentencing enhancement for the offense of homicide by vehicle when the violation occurs in an active work zone. A fourth and

final reason for the proposed revisions is that the Commission seeks to clarify several issues raised by the appellate courts and relating to the sentencing guidelines, such as the definition of school zone for purposes of the Youth/School Enhancement and the use of a previous court-martial in the Prior Record Score calculation.

Revisions to Section 303.1—Sentencing guidelines standards

The standards contained in this section identify offenses for which courts must consider the sentencing guidelines, and offenses to which the guidelines do not apply; describe the application of the various editions of the guidelines; and describe the requirements for reporting sentences to the Commission.

The Commission included in previous *Sentencing Guidelines Implementation Manuals* commentary regarding the merger of sentences, advising courts that the guidelines do not apply to convictions for lesser offenses which merge for sentencing purposes into greater offenses. Consistent with this long-standing policy, and in light of the recent enactment of a merger statute, 42 Pa.C.S. § 9765, the Commission has proposed including a specific reference to merger of sentences in Section 303.1(a).

As required by statute, 42 Pa.C.S. § 9721(b), all courts must consider the guidelines when imposing sentences for felonies and misdemeanors. While this requirement to consider the guidelines has consistently been interpreted by the Commission to apply to the minor judiciary, the Commission has only required the completion and submission of guideline sentence forms, as required by 42 Pa.C.S. § 2153(a)(14), from courts of record. The Commission has proposed several changes to Section 303.1(c) to clarify this policy. In January 2002 the Commission launched SGS Web, a JNET-based sentencing application that allows authorized users to prepare sentencing guidelines and submit completed forms electronically using the secure JNET infrastructure. The Commission notified all courts in February 2004 of a requirement that SGS Web be used to report all sentences beginning in January 2005. The Commission has proposed including language to this effect in Section 303.1(d) and (e).

Revisions to Section 303.2—Procedures for determining the guideline sentence

The standards contained in this section identify procedures for determining the guideline sentence. During the development of the 5th Edition guidelines in 1997, the Commission adopted the term 'judicial proceeding' to describe a hearing in which all offenses for which an offender has been convicted are pending before the court for sentencing at the same time. While this term was used in describing the procedure for completing a guideline sentence form, it was not defined in the text of the guidelines. The Commission has proposed including this definition in Section 303.2(b).

Revisions to Section 303.3—Offense Gravity Score

The standards contained in this section relate to the assignment of the Offense Gravity Score (OGS), which measures the seriousness of the current conviction offense. The OGS is the primary determinant of the sentencing guidelines recommendation. For controlled substances, the OGS assignment is generally based on the type and quantity or weight of the controlled substance. The 4th Edition (1994) sentencing guidelines

introduced an exception for fraudulent prescriptions, in which the number of prescription pills rather than the weight of the pills would be used to determine the OGS assignment. The concern was that since only a small amount of the controlled substance was contained in each pill, the weight of the pills would over-estimate the seriousness of the offense. The Commission has proposed expanding this exception to two other sections of the Drug Act: Delivery by practitioner, 35 P.S. § 780-113(a)(14), and Possession with intent to deliver, 35 P.S. § 780-113(a)(30), but limiting the prescription pills exception in all three sections to narcotics.

Revisions to Sections 303.4 through 303.8—Prior Record Score

The standards contained in this section relate to Prior Record Score (PRS) policies, including the PRS categories, identification of previous adjudications and convictions included in the calculation of the PRS, and the relative weight of those previous adjudications and convictions in determining the PRS category. The PRS reflects both the number and severity of previous adjudications and convictions. The PRS is not a separate punishment, but rather a reflection of the seriousness of previous offenses.

In the 5th Edition (1997) sentencing guidelines, the Commission moved from transaction-based sentencing guidelines to offense-based sentencing guidelines. Under transaction-based guidelines, only the most serious offense of a previous transaction was included in the calculation of the PRS, and the PRS was only used to determine the sentence recommendation for the most serious offense of the current transaction. Under the offense-based guidelines, the presumption is that all previous convictions are included in the calculation of the PRS, and that the PRS is used to determine the sentence recommendation for each current offense. The exception to this 'everything counts' policy is a totally concurrent sentence. A conviction is considered totally concurrent if the sentence imposed did not increase the term of probation, intermediate punishment, partial or total confinement of any sentence. The Commission has received numerous requests to simplify this policy, particularly since implementation is often hampered by missing or incomplete prior conviction and sentencing information, and further complicated by multi-jurisdiction sentencing and credit for time served. The Commission has proposed a streamlined policy in Section 303.5 that requires the most serious offense of each judicial proceeding to be included in the calculation of the PRS, and includes in the calculation any other offense from the judicial proceeding for which a consecutive sentence of supervision or confinement within the proceeding has been imposed. Consistent with the current policy, the PRS continues to be used to determine the sentence recommendation for each current offense. The Commission has also clarified the policy related to un-sentenced convictions, and specifically permits the court to consider at sentencing previous convictions or dispositions not counted in the calculation of the PRS.

In Section 303.7 the Commission has proposed several new PRS point assignments, based on expansion of the definition of crimes of violence, 42 Pa.C.S. § 9714(g), and the increase in the classification of certain offenses. Four point are now assigned to the following: murder and murder of unborn child; attempt, solicitation or conspiracy to commit murder or murder of unborn child; all completed crimes of violence, excluding inchoates; offenses with OGS 11 or greater, excluding inchoates and violations of the Controlled Substance Act; and ethnic

intimidation to any Felony 1 offense. As a result of the comprehensive changes to the DUI statute, and the related re-classification of DUI offenses, the Commission has proposed assigning all but a first DUI one point in the PRS.

In Section 303.8 the Commission has proposed including in the text of the sentencing guidelines information previously contained in the *Sentencing Guidelines Implementation Manual Commentary*. This includes a clarification that a court-martial for a criminal offense is considered a federal conviction; and that contempt of court, violations of PFA orders, and nolle prossed or dismissed charges are excluded from the PRS.

Revisions to Sections 303.9 through 303.14—Guideline sentence recommendations

The standards contained in this section relate to guideline sentence recommendations, including general provisions, enhancements for possession or use of a deadly weapon, enhancements for distribution of a controlled substance to a minor or in a school zone, sentencing levels and programs, aggravated and mitigated circumstances, and economic sanctions.

In Section 303.10 the Commission has proposed a narrowing of the circumstances for which the deadly weapon/used enhancement would apply. The enhancement would continue to apply if an offender used a deadly weapon to threaten or injure another individual, but not if it was otherwise used in the furtherance of the crime. Neither deadly weapon enhancement would apply to a theft when the property stolen was a firearm. The Commission also has proposed a refinement of the definition of 'school' in the Youth/School Enhancement to reflect that the enhancement applies when the distribution occurs within 1000 feet of the real property on which the school is located. Both of these proposals are in response to recent decisions by the Pennsylvania Superior Court.

In Section 303.11 the Commission has proposed expansion of the description of sentencing levels to target the use of county intermediate punishments for those eligible offenders with a minimum sentence recommendation of less than 30 months, and state intermediate punishments for those eligible offenders with a minimum sentence recommendation of 30 months or greater. The Commission has also proposed modifications to the definitions of sentencing levels 3 and 4 to include offenses for which a mandatory minimum sentence to a county facility apply and for which an intermediate punishment sentence is authorized. While some offenses, such as DUI, may be assigned to lower sentencing levels due to the grade of the offense and the OGS assignment, the mandatory sentencing provision and the intermediate punishment eligibility are consistent with the general description of levels 3 and 4: standard range requires incarceration or restrictive intermediate punishment but in all cases permits incarceration in a county facility. The Commission has further proposed modifications to the definitions of sentencing levels 3, 4 and 5 to incorporate state intermediate punishment as an available sentencing option.

In Section 303.12 the Commission has proposed language relating to county intermediate punishments consistent with statute. The Commission has further proposed addition of a section relating to state intermediate punishment.

In Section 303.13 the Commission has proposed removal of an aggravated range for OGS 14, as the standard range includes the statutory limit.

In Section 303.14 the Commission has proposed expansion of the previous fines and restitution section in recognition of the increased attention in statute to a broad range of economic sanctions, including fines, costs, fees and restitution.

Revisions to Section 303.15—Offense listing

As noted previously, during the past seven years the General Assembly has enacted, amended or repealed more than 120 statutes that impact on the sentencing guidelines. In addition, the Commission has received requests from practitioners to change the sentence recommendations for a number of offenses. As a result, the Commission undertook a comprehensive review of all Offense Gravity Score (OGS) and Prior Record Score (PRS) point assignments for offenses covered under the sentencing guidelines. The proposed assignments are found in Section 303.15. Bold type is used to identify all proposed changes and additions; brackets are used to identify deletions. In response to a mandate from the General Assembly to provide a sentencing enhancement for homicide by vehicle that occurs in an active work zone, the Commission has proposed a further sub-categorization of homicide by vehicle as follows:

OGS 6	Homicide by vehicle	
OGS 8	Homicide by vehicle	(when conviction for DUI in same incident)
OGS 8	Homicide by vehicle	(occurs in active work zone)
OGS 10	Homicide by vehicle	(when conviction for DUI in same incident and occurs in active work zone)

Revisions to Sections 303.16 through 303.18—Matrices

The Basic and Deadly Weapon Enhancement matrices provide specific sentence recommendations based on a combination of OGS and PRS. The sentence recommendations, contained in the cells of the matrix, are presented as a range of months, and reflect the recommended minimum period of incarceration. In Pennsylvania, courts are required to impose a minimum and maximum term for an incarceration sentence; generally, the minimum term cannot exceed one-half of the maximum term. As a result, the longest minimum sentence (i.e., statutory limit or SL), and therefore the longest recommendation under the sentencing guidelines, is one-half the statutory maximum. For a Felony 1 offense with a statutory maximum of 20 years, the statutory limit and upper boundary of the sentencing guidelines is 10 years, or 120 months.

During the 1995 Special Session on Crime, the General Assembly increased the statutory maximum for certain Felony 1 offenses beyond the traditional 20 years up to 40 years. The 5th Edition sentencing guidelines responded by creating an OGS 14 with an upper limit of 240 months, reflecting a statutory limit of 20 years. Recently, the General Assembly has increased the statutory maximum for certain Felony 1 offenses to life imprisonment. In response, the Commission has proposed the assignment of an OGS 14 to each of these offenses. Further, the Commission has proposed increasing the upper limit for OGS 14 from 240 months to the statutory limit (SL) in recognition of the differing classifications of offenses assigned an OGS 14. Finally, as noted previously, the Commission has proposed removal of an aggravated range for OGS 14, as the standard range includes the statutory limit.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES

§ 303.1. Sentencing guidelines standards.

(a) The court shall consider the sentencing guidelines in determining the appropriate sentence for offenders convicted of, or pleading guilty or nolo contendere to, felonies and misdemeanors. **Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the higher graded offense.**

(b) The sentencing guidelines do not apply to sentences imposed as a result of the following: accelerated rehabilitative disposition; disposition in lieu of trial; direct or indirect contempt of court; violations of protection from abuse orders; revocation of probation, intermediate punishment or parole.

(c) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Amendments to the guidelines shall apply to all offenses committed on or after the date the amendment becomes part of the guidelines.

(1) When there are current multiple convictions for offenses that overlap two sets of guidelines, the former guidelines shall apply to offenses that occur prior to the effective date of the amendment and the later guidelines shall apply to offenses that occur on or after the effective date of the amendment. If the specific dates of the offenses cannot be determined, then the later guidelines shall apply to all offenses.

(2) The initial sentencing guidelines went into effect on July 22, 1982 and applied to all crimes committed on or after that date. Amendments to the guidelines went into effect in June 1983, January 1986 and June 1986. On October 7, 1987 the Pennsylvania Supreme Court invalidated the guidelines due to a procedural error that occurred in 1981 when the legislature rejected the first set of guidelines. New guidelines were drafted and became effective on April, 25, 1988. Amendments to the guidelines went into effect August 9, 1991 and December 20, 1991. **[A revised] Revised** sets of guidelines became effective August 12, 1994 **and June 13, 1997.**

(d) In every case in which **[the]** a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where **[the]** a court of record imposes a sentence outside the sentencing guidelines, **[the court shall provide a contemporaneous written statement of]** the reason or reasons for the deviation from the guidelines. **[These reasons]** shall be recorded on the Guideline Sentence Form, a copy of which **[is forwarded]** shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

(e) **[A Pennsylvania Commission on Sentencing Guideline Sentence Form shall be completed at the court's direction and shall be made a part of the record no later than 30 days after the date of each sentencing and a copy shall be forwarded to the**

Pennsylvania Commission on Sentencing.] Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to prepare all guideline-required sentencing information. The completed Guideline Sentence Form shall be made a part of the record and the information electronically submitted to the Commission via SGS Web no later than 30 days after the date of sentencing.

§ 303.2. Procedure for determining the guideline sentence.

(a) **For each conviction offense of a judicial proceeding, t[T]he procedure for determining the guideline sentence shall be as follows:**

(1) Determine the Offense Gravity Score as described in § 303.3 and § 303.15.

(2) Determine the Prior Record Score as described in § 303.4—§ 303.8.

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including Deadly Weapon Enhancement and Youth/School Enhancement (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

(b) Judicial proceeding. A judicial proceeding is a proceeding in which all offenses for which the offender has been convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple offenses and transactions.

§ 303.3. Offense Gravity Score—general.

(a) *An Offense Gravity Score is given for each offense.* The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain offenses are subcategorized and scored by the Commission according to the particular circumstances of the offense. The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk [*].

(c) *Inchoate offenses.* Inchoate offenses are scored as follows:

(1) Convictions for attempt, solicitation, or conspiracy to commit a Felony 1 offense receive an Offense Gravity Score of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

(2) Convictions for attempt, solicitation, or conspiracy to commit any offense which is not a Felony 1 offense, receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(3) Convictions for attempt, solicitation, or conspiracy to commit any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101—§ 780-144) receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(4) Exception for inchoate murder convictions. Convictions for attempt, solicitation, or conspiracy to commit murder receive the Offense Gravity Score of 14 if there is serious bodily injury and 13 if there is no serious bodily injury.

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity

Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score.

(e) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).* If any mixture or compound contains any detectable amount of a controlled substance, the entire amount of the mixture or compound shall be deemed to be composed of the controlled substance. If a mixture or compound contains a detectable amount of more than one controlled substance, the mixture or compound shall be deemed to be composed entirely of the controlled substance which has the highest Offense Gravity Score.

(1) Exception for prescription pills. The exception to subsection (e) above is for violations of 35 P.S. § 780-113 (a)(12) **[(relating to fraudulent prescriptions)], (a)(14), and (a)(30)** when **narcotic** prescription pills of Schedule II are involved. For such violations it is the number of pills rather than the amount of the controlled substance which is considered in determining the Offense Gravity Score. (See § 303.15.)

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Score is applied when the offense is not otherwise listed in § 303.15, or when the grade of an offense listed in § 303.15 has changed, unless application of this section would result in a lower Offense Gravity Score for an increased grading of the offense. The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

Felony 1	8
Felony 2	7
Felony 3	5
Felonies not subclassified by the General Assembly	5
Misdemeanor 1	3
Misdemeanor 2	2
Misdemeanor 3	1
Misdemeanors not subclassified by the General Assembly	1

§ 303.4. Prior Record Score—categories.

(a) *Prior Record Score categories.* Determination of the correct Prior Record Score category under this section is based on the type and number of prior convictions (§ 303.5) and prior juvenile adjudications (§ 303.6). There are eight Prior Record Score categories: Repeat Violent Offender [REVOC], Repeat Felony 1 and Felony 2 Offender [RFEL], and point-based categories of 0, 1, 2, 3, 4 and 5.

(1) *Repeat Violent Offender Category [REVOC].* Offenders who have two or more previous convictions or adjudications for four point offenses (§ 303.7(a)(1) and § 303.15) and whose current conviction carries an Offense Gravity Score of 9 or higher shall be classified in the Repeat Violent Offender Category.

(2) *Repeat Felony 1 and Felony 2 Offender Category [RFEL].* Offenders who have previous convictions or adjudications for Felony 1 and/or Felony 2 offenses which total 6 or more in the prior record, and who do not fall within the Repeat Violent Offender Category, shall be classified in the repeat Felony 1 and Felony 2 Offender Category.

(3) *Point-based Categories (0-5).* Offenders who do not fall into the REVOC or RFEL categories shall be classified in a Point-based Category. The Prior Record Score

shall be the sum of the points accrued based on previous convictions or adjudications, up to a maximum of five points.

§ 303.5. Prior Record Score—prior convictions.

[(a) All prior convictions shall be counted in the Prior Record Score, except certain prior convictions from sentences described in (b).

(b) When a sentence for a prior conviction was imposed totally concurrent to another sentence, or was served totally concurrent to another sentence, only the conviction with the greatest number of points under § 303.7 shall be counted.

(c) Totally concurrent. A conviction is considered totally concurrent if the sentence imposed did not increase the term of probation, intermediate punishment, partial or total confinement of any sentence.]

(a) If there is a single offense in the judicial proceeding, that offense shall be counted in the calculation of the Prior Record Score.

(b) If there are multiple offenses in the judicial proceeding:

(1) The most serious offense of the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(2) Any offense for which a sentence of supervision or confinement is imposed consecutive to a sentence for another offense in the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(c) Un-sentenced convictions. If no sentence has yet to be imposed on an offense, the offense shall not be counted in the calculation of the Prior Record Score.

(d) Adequacy of the Prior Record Score. The court may consider at sentencing previous convictions, juvenile adjudications or dispositions not counted in the calculation of the Prior Record Score, in addition to other factors deemed appropriate by the court.

§ 303.6. Prior Record Score—prior juvenile adjudications.

(a) *Juvenile adjudication criteria.* Prior juvenile adjudications are counted in the Prior Record Score when the following criteria are met:

(1) The juvenile offense occurred on or after the offender's 14th birthday, and

(2) There was an express finding by the juvenile court that the adjudication was for a felony or one of the Misdemeanor 1 offenses listed in § 303.7(a)(4).

(b) Only the most serious juvenile adjudication of each prior disposition is counted in the Prior Record Score. No other prior juvenile adjudication shall be counted in the Prior Record Score.

(c) *Lapsing of juvenile adjudications.* Prior juvenile adjudications for four point offenses listed in § 303.7(a)(1) shall always be included in the Prior Record Score, provided the criteria in subsection (a) above are met:

(1) All other juvenile adjudications not identified above in subsection (a) lapse and shall not be counted in the Prior Record Score if the offender was 28 years of age or older at the time the current offense was committed.

(2) Nothing in this section shall prevent the court from considering lapsed prior adjudications at the time of sentencing.

§ 303.7. Prior Record Score—guideline points scoring.

(a) Scoring of prior convictions and adjudications is provided below and in the listing of offenses at § 303.15:

(1) *Four Point Offenses.* Four points are added for each prior conviction or adjudication for the following offenses:

Murder, and attempt, solicitation or conspiracy to commit Murder

[**Voluntary Manslaughter**

Drug Delivery Resulting in Death

Aggravated Assault (causing serious bodily injury)

Kidnapping

Rape

Involuntary Deviate Sexual Intercourse

Arson (resulting in bodily injury or a person inside at start)

Burglary (adapted structure, person present)

Robbery (inflicts serious bodily injury)

Robbery of Motor Vehicle (inflicts serious bodily injury)]

All other completed crimes of violence, as defined in 42 Pa.C.S. § 9714(g), excluding inchoates.

Murder of Unborn Child, and attempt, solicitation or conspiracy to commit Murder of Unborn Child

Offenses with OGS 11 or greater, excluding inchoates and Violations of the Controlled Substance Act

Ethnic Intimidation to any Felony 1 offense

(2) *Three Point Offenses.* Three points are added for each prior conviction or adjudication for the following offenses:

All other Felony 1 offenses not listed in § 303.7 (a)(1).

All **other** inchoates to offenses listed in § 303.7 (a)(1).

[**Sexual Assault**

Aggravated Indecent Assault]

Violation of 35 P. S. §§ 780-113(a)(12)(14) or (30) involving 50 grams or more, including inchoates involving 50 grams or more.

(3) *Two Point Offenses.* Two points are added for each prior conviction or adjudication for the following offenses:

All other Felony 2 offenses not listed in § 303.7 (a)(1) or (a)(2).

All felony drug violations not listed in § 303.7 (a)(2), including inchoates.

(4) *One Point Offenses.* One point is added for each prior conviction or adjudication for the following offenses:

All other felony offenses not listed in § 303.7 (a)(1), (a)(2) or (a)(3).

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (**possession of a weapon**)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

Any of the following Misdemeanor 1 offenses that involve death or danger to children:

Involuntary Manslaughter

Simple Assault (against child **under 12 years of age** by adult **21 years of age or older**)

Luring a Child into a Vehicle

Indecent Assault (**[involving minors] complainant is less than 13 years of age**)

Indecent Exposure (persons **present are** less than age 16 **[present]**)

Endangering Welfare of Children

Dealing in Infant Children

Corruption of Minors (of a sexual nature)

Unlawful contact or communication with minor

[Homicide by Vehicle]

Driving Under the Influence of Alcohol or Controlled Substance **[when the grade is a Misdemeanor 1.], except for a first offense.**

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses are designated by an "m" in the offense listing at § 303.15, and are scored as follows:

(i) One point is added if the offender was previously convicted of two or three misdemeanors.

(ii) Two points are added if the offender was previously convicted of four to six misdemeanors.

(iii) Three points are added if the offender was previously convicted of seven or more misdemeanors.

§ 303.8. Prior Record Score—miscellaneous.

(a) *Prior convictions and adjudications of delinquency.* A prior conviction means "previously convicted" as defined in 42 Pa.C.S. § 2154(a)(2). A prior adjudication of delinquency means "previously adjudicated delinquent" as defined in 42 Pa.C.S. § 2154(a)(2). In order for an offense to be considered in the Prior Record Score, both the commission of and conviction for the previous offense must occur before the commission of the current offense.

(b) *Inchoate offenses.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for criminal attempt, criminal solicitation or criminal conspiracy is scored under § 303.7 based upon the grade of the inchoate offense.

(c) *Ethnic Intimidation.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for Ethnic Intimidation is scored under § 303.7 based upon the grade of the Ethnic Intimidation.

(d) *Former Pennsylvania offenses.*

(1) A prior conviction or adjudication of delinquency under former Pennsylvania law is scored as a conviction for the current equivalent Pennsylvania offense.

(2) When there is no current equivalent Pennsylvania offense, prior convictions or adjudications of delinquency are scored under § 303.7 based on the grade of the offense. When a prior conviction or adjudication of delinquency was for a felony, but the grade of the felony is unknown, it shall be treated as a Felony 3. When a prior conviction was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as other misdemeanors. When it cannot be determined if the prior conviction was a felony, one point misdemeanors, or other misdemeanors, it shall be treated as other misdemeanors. When a prior conviction is for a crime which has a summary grade, and the grade of the conviction is unknown, the prior conviction shall not be counted in the Prior Record Score.

(e) A prior conviction or adjudication of delinquency for an offense which was misgraded is scored as a conviction for the current equivalent Pennsylvania offense.

(f) *Out-of-state, federal or foreign offenses.*

(1) An out-of-state, federal or foreign conviction or adjudication of delinquency is scored as a conviction for the current equivalent Pennsylvania offense.

(2) A court-martial for a criminal offense under the Uniform Code of Military Justice is considered a federal conviction and is scored as a conviction for the current equivalent Pennsylvania offense. Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be counted in the Prior Record Score.

(3) When there is no current equivalent Pennsylvania offense, determine the current equivalent Pennsylvania grade of the offense based on the maximum sentence permitted, and then apply § 303.8(d)(2).

(g) *Excluded offenses, charges and convictions.* The following types of offenses, charges and convictions shall not be scored in the Prior Record Score:

(1) Summary offenses, violations of local ordinances, **direct or indirect contempt of court, violation of protection from abuse orders,** and dispositions under Pa.R.Crim.P. Rules **[175—186] 300—320** (relating to accelerated rehabilitative disposition), 35 P.S. § 780-117 (relating to probation without verdict) or 35 P.S. § 780-118 (relating to disposition in lieu of trial or criminal punishment)**[, shall not be used in computing the Prior Record Score]**.

(2) A charge which is nolle prossed, dismissed, or on which a demurrer is sustained.

(3) Any prior conviction which contributed to an increase in the grade of a subsequent conviction, except for prior Driving Under the Influence of Alcohol or Controlled Substance convictions. [shall not be used in computing the Prior Record Score.]

§ 303.9. Guideline sentence recommendation: general.

(a) *Basic sentence recommendations.* Guideline sentence recommendations are based on the Offense Gravity Score and Prior Record Score. In most cases, the sentence recommendations are found in the Basic Sentencing

Matrix (§ 303.16). The Basic Sentencing Matrix specifies a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score [OGS] and Prior Record Score [PRS].

(b) *Deadly Weapon Enhancement sentence recommendations.* If the court determines that an offender possessed a deadly weapon pursuant to § 303.10(a)(1), the court shall instead consider the DWE/Possessed Matrix (§ 303.17). If the court determines that an offender used a deadly weapon pursuant to § 303.10(a)(2), the court shall instead consider the DWE/Used Matrix (§ 303.18). Both enhanced matrices specify a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score [OGS] and Prior Record Score [PRS].

(c) *Youth/School Enhancement sentence recommendations.* If the court determines that an offender violated the drug act pursuant to § 303.10(b), 12 months shall be added to the lower limit of the standard range of the applicable sentencing matrix and 36 months shall be added to the upper limit of the standard range of the applicable sentencing matrix. The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score [OGS] and Prior Record Score [PRS].

(d) *Aggravated and mitigated sentence recommendations.* To determine the aggravated and mitigated sentence recommendations, apply § 303.13.

(e) *Numeric sentence recommendations.* All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) (partial confinement) and § 9756(b) (total confinement).

(f) *Alphabetic sentence recommendations.* RS in the sentence recommendation, an abbreviation for Restorative Sanctions, suggests use of the least restrictive, non-confinement sentencing alternatives described in 42 Pa.C.S. § 9753 (determination of guilt without further penalty), § 9754 (order of probation) and § 9758 (fine), and include § 9763 (intermediate punishment) when limited to restorative sanction programs (see § 303.12(a)(5)). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision or amounts of fines for these non-confinement sentencing alternatives. RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

(g) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. § 1103 and § 1104 (relating to sentence of imprisonment for felony and misdemeanor) and 42 Pa.C.S. § 9755(b) and § 9756(b) (relating to sentence of partial and total confinement) or other applicable statute setting the maximum term of confinement, then the statutory limit is the longest guideline sentence recommendation. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum allowed by law.

(h) *Mandatory sentences.* The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

(i) *Driving Under the Influence.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under 75 Pa.C.S. [§ 3731] 3802 (Driving Under the Influence of Alcohol or Controlled Substance). The court may use a [q]Qualified [r]Restrictive [i]Intermediate [p]Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement.

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the defendant intended to use the weapon to threaten or injure another individual.

(2) When the court determines that the offender used a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Used Matrix (§ 303.18). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual [or in the furtherance of the crime]:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality capable of producing death or serious bodily injury.

(3) There shall be no Deadly Weapon Enhancement for the following offenses:

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

(iv) Possession of Firearm or Other Dangerous Weapon in Court Facility

(v) Simple Assault (18 Pa.C.S. § 2701(a)(2))

(vi) Aggravated Assault (18 Pa.C.S. § 2702(a)(4))

(vii) Theft when property stolen is a firearm (18 Pa.C.S. Chapter 39)

(viii) Violations of the Pennsylvania Uniform Firearms Act

(ix) Any other offense for which possession of a deadly weapon is an element of the statutory definition.

(4) The Deadly Weapon Enhancement shall apply to each conviction offense for which a deadly weapon is possessed or used.

(b) *Youth/School Enhancement.*

(1) When the court determines that the offender either distributed a controlled substance to a person or persons under the age of 18 in violation of 35 P. S. § 780-114, or manufactured, delivered or possessed with intent to deliver a controlled substance within 1000 feet of **the real property on which is located** a public or private elementary or secondary school, the court shall consider the range of sentences described in § 303.9(c).

(2) The Youth/School Enhancement only applies to violations of 35 P. S. § 780-113(a)(14) and (a)(30).

(3) The Youth/School Enhancement shall apply to each violation which meets the criteria above.

§ 303.11. Guideline sentence recommendation: sentencing levels.

(a) *Purpose of sentence.* In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) Sentencing levels. The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. **In any case where an individual or aggregate sentence recommendation may include total confinement, county intermediate punishment is recommended for eligible offenders with a minimum sentence recommendation of less than 30 months, and state intermediate punishment is recommended for eligible offenders with a minimum sentence recommendation of 30 months or greater.** The descriptions of the five sentencing levels are as follows:

(1) *Level 1*—Level 1 provides sentence recommendations for the least serious offenders with no more than one prior misdemeanor conviction, such that the standard range is limited to Restorative Sanctions [[RS]] (RS). The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. The following sentencing option is available:

Restorative Sanctions (§ 303.9(f))

(2) *Level 2*—Level 2 provides sentence recommendations for generally non-violent offenders and those with numerous less serious prior convictions, such that the standard range requires a county sentence but permits both incarceration and non-confinement. The standard range is defined as having an upper limit of less than 12 months and a lower limit of Restorative Sanctions [[RS]] (RS). The primary purposes of this level are control over the offender and restitution to victims. Treatment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a county facility under a county sentence (see 61 P. S. § 331.17).

Partial confinement in a county facility

County [Restrictive] Intermediate Punishment[s] (see § 303.12(a) for eligibility criteria)

Restorative Sanctions (§ 303.9(f))

(3) *Level 3*—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or **County [a Restrictive] Intermediate Punishment [[RIP]]**, but in all cases permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. **Included in Level 3 are those offenses for which a mandatory minimum sentence of less than 12 months applies and for which a [n] state or county intermediate punishment sentence is authorized by statute.** The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility.

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility under a state or county sentence (see 61 P. S. § 331.17).

Partial confinement in a county facility.

County [Restrictive] Intermediate Punishment (see § 303.12(a) for eligibility criteria)

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility. The standard range is defined as having a lower limit of incarceration of greater than 12 months but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. **Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a [n] state or county intermediate punishment sentence is authorized by statute.** The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, and some non-violent offenders may benefit from drug and alcohol treatment. **If eligible, state intermediate punishment is recommended for drug dependent offenders.** The following sentencing options are available:

Total confinement in a state facility.

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility as a state offender. (see 61 P. S. § 331.17).

County [Restrictive] Intermediate Punishment (see § 303.12.(a) for eligibility criteria)

(5) *Level 5*—Level 5 provides sentence recommendations for the most violent offenders and those with major

drug convictions, such that the conviction has an Offense Gravity Score of 9 or greater or the standard range requires state incarceration in a state facility. The standard range in such a case is defined as having a lower limit of [30] 12 months or greater. **Included in Level 5 are those offenses for which a mandatory minimum sentence of 30 months or greater applies and for which a state intermediate punishment sentence is authorized by statute.** The primary purposes of the sentencing options at this level are punishment commensurate with the seriousness of the criminal behavior and incapacitation to protect the public. **If eligible, state intermediate punishment is recommended for drug dependent offenders.** The following sentencing options are available:

Total confinement in a state facility.

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

§ 303.12. Guideline sentence recommendations: sentencing programs.

(a) County intermediate punishment [program].

(1) *Eligibility.*

(i) The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs:

37 Pa.Code § 451.1 et seq.

42 Pa.C.S. § 9729, § 9763, [and] § 9773 and Chapter 98.

[61 P. S. § 1101—§ 1114.]

204 Pa.Code § 303.8 and § 303.9.

(ii) Sentence recommendations which include an option of **County [Restrictive] Intermediate Punishment[s]** for certain offenders are designated as shaded cells in the guideline matrices.

(2) The county intermediate punishment plan provides a mechanism to advise the court of the extent and availability of services and programs authorized in the county. This plan includes information on the appropriate classification and use of county programs based on program-specific requirements.

(3) Intermediate punishments classifications. In order to incorporate intermediate punishment programs into the sentencing levels, the Commission has classified intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific intermediate punishment programs have been identified in legislation (42 Pa.C.S. §§ 9763(c) and 9804(b)) and regulation (37 Pa. Code § 451.52) as authorized sentences for conviction under 75 Pa.C.S. § [3731(e)] 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance); the Commission has classified these programs as [q] Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. **[Restrictive Intermediate Punishments may be imposed only if the court has been granted sentencing authority by the Pennsylvania Commission on**

Crime and Delinquency (pursuant to 42 Pa.C.S. § 9729).] The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of offenders. All programs must meet the minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa.Code Chapter 451) for intermediate punishments.

(i) Restrictive Intermediate Punishments (RIP) either:

(A) house the offender full or part time; or

(B) significantly restrict the offender's movement and monitor the offender's compliance with the program(s); or

(C) involve a combination of programs that meet the standards set forth above.

(ii) An offender under consideration for Restrictive Intermediate Punishments at Level 4 or Level 3 shall have a diagnostic assessment of dependency on alcohol or other drugs conducted by one of the following: the Pennsylvania Department of Health's [Office] Bureau of Drug and Alcohol Programs ([O] BDAP) or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the [Office] Bureau of Drug and Alcohol Programs.

(iii) An offender assessed to be dependent shall be evaluated for purposes of a treatment recommendation by one of the above listed assessors. The evaluation shall take into account the level of motivation of the offender. If sentenced to a Restrictive Intermediate Punishment, the sentence shall be consistent with the level of care and length of stay prescribed in the treatment recommendation, regardless of the standard range sentencing recommendation.

(iv) An offender assessed as not in need of drug or alcohol treatment may be placed in any approved Restrictive Intermediate Punishment program. Each day of participation in a Restrictive Intermediate Punishment program or combination of programs shall be considered the equivalent of one day of total confinement for guideline sentence recommendations.

(v) The court may impose a [q] Qualified Restrictive Intermediate Punishment in lieu of incarceration for [any] certain convictions under 75 Pa.C.S. § [3731] 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance).

(5) *Restorative sanction programs.* Restorative sanction programs are the least restrictive, non-confinement intermediate punishments. Restorative sanction programs are generally used in conjunction with Restrictive Intermediate Punishments as the level of supervision is reduced, but may also be used as separate sanctions under any of the non-confinement sentencing alternatives provided in the statute (see § 303.9(f)).

(i) Restorative sanction programs:

(A) are the least restrictive in terms of constraint of offender's liberties;

(B) do not involve the housing of the offender (either full or part time); and

(C) focus on restoring the victim to pre-offense status.

(6) *Qualified Restrictive Intermediate Punishments.* In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37 Pa. Code § 451[.52 (relating to sentencing restrictions for driving under the influence convictions)],

[q] Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of **certain convictions under 75 Pa.C.S. § [3731] 3802.**

(i) Unless otherwise provided in statute, Qualified Restrictive Intermediate Punishment programs include:

(A) [residential inpatient drug and alcohol programs or residential rehabilitative center programs; or] if the defendant is determined to be in need of drug and alcohol treatment, a sentence to intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. house arrest with electronic surveillance; or
2. a partial confinement program such as work release, a work camp or a halfway facility.

(B) [house arrest and electronic monitoring combined with drug and alcohol treatment] if the defendant is determined not to be in need of drug and alcohol treatment, a sentence to intermediate punishment may only include:

1. house arrest with electronic surveillance; or
2. partial confinement programs such as work release, a work camp or a halfway facility; or
3. any combination of Qualified Restrictive Intermediate Punishment programs.

(b) State Motivational Boot Camp.

(1) Eligibility.

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp:

61 P. S. § 1121—§ 1129

(ii) Sentence recommendations which include boot camp eligible offenders are designated by the letters BC in the cells of the Basic Sentencing Matrix (§ 303.16).

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the offender is authorized as eligible for the boot camp program. The Department of Corrections makes the final determination as to whether the offender will be accepted into the boot camp program.

(c) State Intermediate Punishment.

(1) Eligibility.

(i) The following statute governs operation of and eligibility for State Intermediate Punishment:

42 Pa.C.S. Chapter 99

(ii) Any person convicted of a drug-related offense for which the sentence recommendation includes total confinement in a state facility may be considered for state intermediate punishment.

(2) The court may, upon motion of the Commonwealth and agreement of the defendant, commit a defendant to the custody of the Department of Corrections for the purpose of evaluating whether the defendant would benefit from a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate.

(3) Upon receipt of a recommendation for placement in a drug offender treatment program and an individualized treatment plan from the Department of Corrections, and agreement of the attorney for

the Commonwealth and the defendant, the court may sentence an eligible offender to a period of 24 months of state intermediate punishment.

(4) The court may impose a consecutive period of probation. The total duration of a sentence of state intermediate punishment and consecutive probation may not exceed the maximum term for which the eligible offender could otherwise be sentenced.

§ 303.13. Guideline sentence recommendations: aggravated and mitigated circumstances.

(a) When the court determines that an aggravating circumstance(s) is present, it may impose an aggravated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12 [,] **and 13 [and 14]** the court may impose a sentence that is up to 12 months longer than the upper limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months longer than the upper limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months longer than the upper limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months longer than the upper limit of the standard range.

(5) When the standard range is Restorative Sanctions (RS), the aggravated sentence recommendation is RIP-3.

(b) When the court determines that a mitigating circumstance(s) is present, it may impose a mitigated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12, 13, and 14 the court may impose a sentence that is up to 12 months shorter than the lower limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months shorter than the lower limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months shorter than the lower limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months shorter than the lower limit of the standard range.

(5) When the bottom of the standard range is less than or equal to 3 months of incarceration, the lower limit of the mitigated sentence recommendation is Restorative Sanctions (RS).

(6) In no case where a Deadly Weapon Enhancement is applied may the mitigated sentence recommendation be lower than 3 months.

(c) When the court imposes an aggravated or mitigated sentence, it shall state the reasons on the record and on the Guideline Sentence Form, a copy of which is **[forwarded] electronically transmitted** to the Commission on Sentencing in the manner described in **§ 303.1(e).**

§ 303.14. Guideline sentence recommendations—[fines and restitution] economic sanctions.

(a) Fines [and restitution].

(1) Fines [**and restitution, as provided by law,**] may be added to any guideline sentence[.], **as authorized by law. Relevant statutes include but are not limited to:**

- (i) **18 Pa.C.S. § 1101 (relating to fines)**
- (ii) **35 P. S. § 780-113(b)—(o) (relating to controlled substances)**
- (iii) **42 Pa.C.S. § 9726 (relating to fine as a sentence)**
- (iv) **42 Pa.C.S. § 9758 (relating to imposition of a fine)**
- (v) **75 Pa.C.S. § 3804 (relating to fines for DUI)**

(2) A fine, within the limits established by law, shall be considered by the court when the offender is convicted of 35 P. S. § 780-113(a)(12), (14) or (30), and the drug involved is [**2.5 or more grams of**] any of the following: a controlled substance or counterfeit substance classified in Schedule I or II and which is a narcotic; phencyclidine, methamphetamine, or cocaine, including the isomers, salts, compounds, salts of isomers, or derivatives of phencyclidine, methamphetamine, or cocaine; or is **in excess of** one thousand pounds [**or more**] of marijuana. Such fine shall be of an amount that is at least sufficient to exhaust the assets utilized in, and the proceeds obtained by the offender from, the illegal possession, manufacture, or distribution of controlled substances. Such fine shall not include assets concerning which the attorney for the Commonwealth has filed a forfeiture petition or concerning which he has given notice to the court of his intent to file a forfeiture petition.

(3) Fines [**and restitution**] may be utilized as part of an intermediate punishment sentence or as a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

(b) Costs and fees.

(1) Costs and fees may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) **18 Pa.C.S. § 1109 (relating to costs of any reward)**
- (ii) **18 P. S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)**
- (iii) **18 P. S. § 11.1102 (relating to costs of offender supervision programs)**
- (iv) **42 Pa.C.S. § 1725 (relating to fees and charges)**
- (v) **42 Pa.C.S. § 1725.1 (relating to costs)**
- (vi) **42 Pa.C.S. § 1725.2 (relating to costs of summary convictions)**
- (vii) **42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)**
- (viii) **42 Pa.C.S. § 1726.1 (relating to forensic exam)**
- (ix) **42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)**
- (x) **42 Pa.C.S. § 9728(c) (relating to costs, etc.)**

(c) Restitution.

(1) Restitution shall be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) **18 Pa.C.S. § 1106 (relating to injuries to person or property)**
- (ii) **18 Pa.C.S. § 1107 (relating to theft of timber)**
- (iii) **18 P. S. § 11.1302 (relating to restitution to the Office of Victim Services)**
- (iv) **42 Pa.C.S. § 9720.1 (relating to identity theft)**
- (v) **42 Pa.C.S. § 9721(c) (relating to mandatory restitution)**

(2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

§ 303.15. Offense Listing.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
901	Criminal Attempt [INCHOATE]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal Solicitation [INCHOATE]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal Conspiracy [INCHOATE]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907 (a)	Possessing Instruments of Crime (criminal instruments)	M1	3	[1] m
907 (b)	Possessing Instruments of Crime (weapon)	M1	4	1
907 (c)	Possessing Instruments of Crime (unlawful body armor)	F3	5	1
908	Prohibited Offensive Weapons	M1	4	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
908.1 (a)(1)	Use of electric or electronic incapacitation device (intent to commit felony)	F2	8	2
908.1 (a)(1)	Use or possession of electric or electronic incapacitation device (no intent to commit felony)	M1	5	1
908.1 (a)(2)	Possess electric or electronic incapacitation device (intent to commit felony)	F2	7	2
908.1 (a)(2)	Possess possession of electric or electronic incapacitation device (no intent to commit felony)	M1	4	1
909	Manufacture, Distribution or Possession of Master Key for Motor Vehicles	M1	3	m
910 (b)(1)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (first offense)	M1	[3] 4	m
910 (b)(2)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (second offense or 10-50 devices)	F3	[5] 6	1
910 (b)(3)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (third or subsequent offense or more than 50 devices)	F2	8	2
911	Corrupt Organizations	F1	8	3
912	Weapon on School Property	M1	4	[m] 1
913 (a)(1)	Possession of Firearm or Other Dangerous Weapon in Court Facility	M3	1	m
913 (a)(2)	Possession of Firearm or Other Dangerous Weapon in Court Facility (intend for crime)	M1	3	[m] 1
2102	Desecration of Flag	M3	1	m
2103	Insults to Flag	M2	2	m
2502 (a)	Murder, First Degree	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2502 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to First Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to First Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2502 (b)	Murder, Second Degree	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2502 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Second Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Second Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2502 (c)	Murder, Third Degree	F1	14	4

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2502 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Third Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Third Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2503	Manslaughter, Voluntary	F1	11	4
2503 INCHOATE	—Attempt/Solicitation/Conspiracy to Voluntary Manslaughter	18 Pa.C.S. § 905	10	3
2504*	Manslaughter, Involuntary (when there is also a conviction for DUI arising from the same INCIDENT)	M1	8	1
2504*	Manslaughter, Involuntary (when there is not a conviction for DUI arising from the same INCIDENT)	M1	6	1
2504	Manslaughter, Involuntary (victim under 12 years)	F2	8	2
2505 (b)	Suicide, Aids or Solicits	F2	6	2
2505 (b)	Suicide, Aids or Solicits	M2	2	m
2506	Drug Delivery Resulting in Death	F1	13	4
2506 INCHOATE	—Attempt/Solicitation/Conspiracy to Drug Delivery Resulting in Death	18 Pa.C.S. § 905	12	3
2604 (a)	Murder, First Degree, unborn child	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2604 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to First Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to First Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2604 (b)	Murder, Second Degree, unborn child	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2604 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2604 (c)	Murder, Third Degree, unborn child	F1	14	4
2604 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2605	Manslaughter, Voluntary, of unborn child	F1	11	4

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2605 INCHOATE	—Attempt/Solicitation/Conspiracy to Voluntary Manslaughter of unborn child	18 Pa.C.S. § 905	10	3
2606*	Aggravated assault of unborn child (caused serious bodily injury)	F1	11	4
2606*	Aggravated assault of unborn child (attempted to cause serious bodily injury)	F1	10	3
2701	Simple Assault	M2	3	m
2701 (b)(1)	Simple Assault (mutual consent)	M3	1	m
2701 (b)(2)	Simple Assault (against child by adult)	M1	4	1
2702 (a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	11	4
2702 (a)(1)* INCHOATE	—Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI)	18 Pa.C.S. § 905	10	3
2702 (a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)	F1	10	[3] 4
2702 (a)(2)*	Aggravated Assault (causes serious bodily injury police, etc.)	F1	11	4
2702 (a)(2)* INCHOATE	—Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI to police,)	18 Pa.C.S. § 905	10	3
2702 (a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	[3] 4
2702 (a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2
2702 (a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2	8	2
2702 (a)(5)	Aggravated Assault ([teacher] teaching staff, etc.)	F2	6	2
2702 (a)(6)	Aggravated Assault (physical menace, fear of imminent SBI)	F2	6	2
2702 (a)(7)	Aggravated Assault (tear or noxious gas)	F2	6	2
2703	Assault by Prisoner	F2	[6] 7	2
2703.1	Aggravated harassment by prisoner	F3	6	1
2704	Assault by life prisoner	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2704 INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	14	4
2704 INCHOATE	—Attempt/Solicitation/Conspiracy [no SBI] to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	13	4

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2705	Recklessly Endangering Another Person	M2	3	m
2706	Terroristic Threats	M1	3	m
2706	Terroristic threats (diverted from activities)	F3	5	1
2707 (a)	Propulsion of Missiles into an Occupied Vehicle	M1	3	m
2707 (b)	Propulsion of Missiles onto a Roadway	M2	2	m
2707.1	Discharge of firearm into an occupied structure	F3	10	1
2708	Use of Tear Gas in Labor Dispute	M1	3	m
2709 (a)	Harassment	M3	1	m
2709.1 [(b)] (c)(1)	Stalking (first offense)	M1	3	m
2709.1 [(b)] (c)(2)	Stalking (second/subsequent offense or prior crime of violence)	F3	[5] 6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712	Assault on Sports Official	M1	3	m
2713 (a)(1)(2)	Neglect of Care-dependent Person (SBI)	F1	10	3
2713 (a)(1)(2)	Neglect of Care-dependent Person (BI)	M1	4	m
2714	Unauthorized administration of intoxicant	F3	8	1
2715 (b)(1)	Threat to use weapons of mass destruction (reports or threatens)	M1	3	m
2715 (b)(2)	Threat to use weapons of mass destruction (diverted from activities)	F3	5	1
2715 (b)(3)	Threat to use weapons of mass destruction (during state of emergency)	F2	7	2
2716 (a)	Weapons of mass destruction (possession/first offense)	F2	7	2
2716 (a)	Weapons of mass destruction (possession/subsequent offense)	F1	11	4
2716 (b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1	13	4
2716 (b)(1)	Weapons of mass destruction (use/results in death)	Life	Life	4
2716 (b)(2)	Weapons of mass destruction (damage/disrupt water, food)	F1	13	4
2716 (b)(3)	Weapons of mass destruction (evacuation)	F1	13	4
2901	Kidnapping	F1	10	4

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2901 INCHOATE	—Attempt/Solicitation/Conspiracy to Kidnapping	18 Pa.C.S. § 905	9	3
2902 (b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1	3	m
2902 (b)(2)	Unlawful restraint (victim under 18 years of age)	F2	8	2
2903 (b)(1)	False imprisonment (victim 18 yrs. or older)	M2	2	m
2903 (b)(2)	False imprisonment (victim under 18 years of age)	F2	7	2
2904 (c)	Interference with the Custody of Children	F3	4	1
2904 (c)(1)	Interference with the Custody of Children	F2	6	2
2904 (c)(2)	Interference with the Custody of Children	M2	2	m
2905	Interference w/Custody of Committed Persons	M2	4	m
2906	Criminal Coercion	M1	3	m
2906	Criminal Coercion	M2	2	m
2907	Disposition of Ransom	F3	5	1
2909	Concealment of Whereabouts of a Child	F3	4	1
2910	Luring a Child into a Motor Vehicle	M1	5	1
3121 (a)	Rape	F1	12	4
3121 (a) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	11	3
3121 (b)	Rape (uses substance to impair victim)	F1	13	4
3121 (b) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	12	3
3121 (c)	Rape (child < 13 yrs.)	F1	14	4
3121 (c) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3121 (d)	Rape (child < 13 yrs., sbi)	F1	14	4
3121 (d) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3122.1	Statutory Sexual Assault	F2	7	2
3123 (a)	Involuntary Deviate Sexual Intercourse	F1	12	4
3123 (a) INCHOATE	—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	11	3
3123 (b)	Involuntary Deviate Sexual Intercourse (child < 13 yrs.)	F1	14	4
3123 (b) INCHOATE	—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3123 (c)	Involuntary Deviate Sexual Intercourse (child < 13 yrs., sbi)	F1	14	4
3123 (c) INCHOATE	—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
3124.1	Sexual Assault	F2	11	[3] 4
3124.1 INCHOATE	—Attempt/Solicitation/Conspiracy to Sexual Assault	18 Pa.C.S. § 905	11	3
3124.2	Institutional sexual assault	F3	5	1
3125 (a)	Aggravated Indecent Assault	F2	10	[3] 4
3125 (b)	Aggravated Indecent Assault (child)	F1	12	4
3125 INCHOATE	—Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault	18 Pa.C.S. § 905	10	3
3126 (a)(1)—(6), (8)	Indecent Assault	M2	4	m
3126 (a)(7)	Indecent Assault [(involving minors)](child < 13 years)	M1	5	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3129	Sexual intercourse with animal	M2	2	m
3301(a)*	Arson Endangering Persons (where a person is inside the structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	10	4
3301 (a)* INCHOATE	—Attempt/Solicitation/Conspiracy to Arson Endangering Persons (person inside or bodily injury results)	18 Pa.C.S. § 905	9	3
3301(a)*	Arson Endangering Persons (where no person is inside the structure when the fire is started and no bodily injury results either directly or indirectly, at the scene of the fire)	F1	9	[3] 4
3301(c)	Arson, Endangering Property	F2	6	2
3301(d)	Arson, Reckless Burning	F3	5	1
3301(e)	Arson, Failure to Report	M1	3	m
3301(f)	Arson, Possess Explosive Material	F3	5	1
3301(g)	Arson, Disclosure of True Owner	M3	1	m
3302(a)	Catastrophe, Causing	F1	10	3
3302(a)	Catastrophe, Recklessly Causing	F2	6	2
3302(b)	Catastrophe, Risking	F3	4	1
3303	Failure to Prevent Catastrophe	M2	2	m
3304	Criminal Mischief (over \$5,000)	F3	5	1
3304	Criminal Mischief (over \$1,000)	M2	2	m
3304	Criminal Mischief (over \$500)	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3304	Criminal Mischief (over \$150 under (a)(4))	M3	1	m
3305	Tampering w/Fire Hydrants	M3	1	m
3307	Institutional Vandalism (over \$5,000)	F3	5	1
3307	Institutional Vandalism	M2	2	m
3309	Agricultural Vandalism (over \$5,000)	F3	5	1
3309	Agricultural Vandalism (over \$1,000)	M1	3	m
3309	Agricultural Vandalism (over \$500)	M2	2	m
3309	Agricultural Vandalism (\$500 or less)	M3	1	m
3310	Agricultural crop destruction	F2	7	2
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense any person is present)	F1	9	4
3502* INCHOATE	—Attempt/Solicitation/Conspiracy to Burglary (structure adapted for overnight accommodation, person present)	18 Pa.C.S. § 905	8	3
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1	7	3
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1	6	3
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2	5	2
3503 (a)(1)(ii)	Trespass, Criminal	F2	4	2
3503 (a)(1)(i)	Trespass, Criminal	F3	3	1
3503 (b)(1)(i)—(iv)	Trespass, Defiant (notice against trespass given)	M3	1	m
3503 (b)(1)(v)	Trespass, Defiant (notice given by official or law enforcement)	M1	3	m
3503(b.2)(1)(i)	Trespass, Agricultural (posted)	M3	1	m
3503 (b.2)(1)(ii)	Trespass, Agricultural (defies order)	M2	3	m
3504 (a)	Railroad protection, railroad vandalism, etc. (damage to railroad, etc.)	M3	1	m
3504 (b)	Railroad protection, railroad vandalism, etc. (stowaways prohibited)	M3	1	m
3701 (a)(1)(i)	Robbery (inflicts serious bodily injury)	F1	12	4
3701 (a)(1)(i) INCHOATE	—Attempt/Solicitation/Conspiracy to Robbery (SBI)	18 Pa.C.S. § 905	11	3

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3701 (a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	[3] 4
3701 (a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	9	[3] 4
3701 (a)(1)(iv)	Robbery (threatens or inflicts bodily injury or intentionally puts him in fear of immediate bodily injury)	F2	7	2
3701 (a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3	5	1
3702*	Robbery or Motor Vehicle (inflicts serious bodily injury)	F1	12	4
3702* INCHOATE	—Attempt/Solicitation/Conspiracy to Robbery of a Motor Vehicle (SBI)	18 Pa.C.S. § 905	11	3
3702*	Robbery of a Motor Vehicle (does not inflict serious bodily injury)	F1	9	[3] 4
3921	Theft by Unlawful Taking or Disposition (during disaster or firearm)	F2	[7] 8	2
3921*	Theft by Unlawful Taking or Disposition (over \$100,000)	F3	8	1
3921*	Theft By Unlawful Taking or Disposition (over \$50,000 to \$100,000)	F3	7	1
3921*	Theft By Unlawful Taking or Disposition (over \$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3921	Theft by Unlawful Taking or Disposition (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$200 to \$2,000)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$50 to less than \$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition (less than \$50)	M3	1	m
3922	Theft by Deception (firearm)	F2	8	2
3922*	Theft by Deception (over \$100,000)	F3	8	1
3922*	Theft By Deception (over \$50,000 to \$100,000)	F3	7	1
3922*	Theft By Deception (over \$25,000 to \$50,000)	F3	6	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3922*	Theft by Deception (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3922	Theft by Deception (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3922	Theft by Deception (\$200 to \$2,000)	M1	3	m
3922	Theft by Deception (\$50 to less than \$200)	M2	2	m
3922	Theft by Deception (less than \$50)	M3	1	m
3923	Theft by Extortion (firearm)	F2	8	2
3923*	Theft by Extortion (over \$100,000)	F3	8	1
3923*	Theft by Extortion (over \$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion (over \$25,000 to \$50,000)	F3	6	1
3923*	Theft by Extortion (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3923	Theft by Extortion (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	4	m
3923	Theft by Extortion (\$200 to \$2,000)	M1	4	m
3923	Theft by Extortion (\$50 to less than \$200)	M2	2	m
3923	Theft by Extortion (less than \$50)	M3	1	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (firearm)	F2	8	2
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$100,000)	F3	8	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$50,000 to \$100,000)	F3	7	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$25,000 to \$50,000)	F3	6	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (\$200 to \$2,000)	M1	3	m
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (\$50 to less than \$200)	M2	2	m
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (less than \$50)	M3	1	m
3925	Theft by Receiving Stolen Property (during disaster or firearm)	F2	[7] 8	2
3925*	Theft by Receiving Stolen Property (over \$100,000)	F3	8	1
3925*	Theft by Receiving Stolen Property (over \$50,000 to \$100,000)	F3	7	1
3925*	Theft by Receiving Stolen Property (over \$25,000 to \$50,000)	F3	6	1
3925*	Theft by Receiving Stolen Property (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle, or if the receiver is in the business of buying or selling stolen property)	F3	5	1
3925	Theft by Receiving Stolen Property (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3925	Theft by Receiving Stolen Property (\$200 to \$2,000)	M1	3	m
3925	Theft by Receiving Stolen Property (\$50 to less than \$200)	M2	2	m
3925	Theft by Receiving Stolen Property (less than \$50)	M3	1	m
3926	Theft of Services (firearm)	F2	[7] 8	2
3926*	Theft of Services (over \$100,000)	F3	8	1
3926*	Theft of Services (over \$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services (over \$25,000 to \$50,000)	F3	6	1
3926*	Theft of Services (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motor-boat, or other motor-propelled vehicle)	F3	5	1
3926	Theft of Services (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3926	Theft of Services (\$200 to \$2,000)	M1	3	m
3926	Theft of Services (\$50 to less than \$200)	M2	2	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3926	Theft of Services (less than \$50)	M3	1	m
3926 (e)	Theft of Services (sale/transfer of device for diversion of services)	M3	1	m
3927	Theft by Failure to Make Required Disposition of Funds Received (firearm)	F2	8	2
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$100,000)	F3	8	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$50,000 to \$100,000)	F3	7	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$25,000 to \$50,000)	F3	6	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3927	Theft by Failure to Make Required Disposition of Funds Received (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$200 to \$2,000)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received(\$50 to less than \$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received (less than \$50)	M3	1	m
3928	Unauthorized Use of Auto (during disaster)	F2	[7] 8	2
3928	Unauthorized Use of Auto	M2	2	m
3929	Theft, Retail (during disaster)	F2	[7] 8	2
3929	Theft, Retail (> \$2,000, firearm, motor veh.)	F3	5	1
3929	Theft, Retail (third or subsequent conviction)	F3	3	1
3929	Theft, Retail (first or second offense, \$150 or more)	M1	2	m
3929	Theft, Retail (second offense, less than \$150)	M2	2	m
3929.1	Library Theft (3rd; subsequent offense)	F3	5	1
3929.1	Library Theft (1st; 2nd over \$150)	M1	3	m
3929.1	Library Theft (2nd less than \$150)	M2	2	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3929.2	Unlawful possession of retail or library theft instruments	M1	3	m
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (over \$2,000 [or if the property is a firearm, automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle])	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$200 to \$2,000)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$50 to less than \$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions (less than \$50)	M3	1	m
3932	Theft by Leased Property (firearm)	F2	8	2
3932*	Theft of Leased Property (over \$100,000)	F3	8	1
3932*	Theft of Leased Property (over \$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property (over \$25,000 to \$50,000)	F3	6	1
3932*	Theft of Leased Property (over \$2,000 to \$25,000, or if property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3932	Theft of Leased Property (\$2,000 or less from person or by threat or in breach of fiduciary obligation)	M1	3	m
3932	Theft of Leased Property (\$200 to \$2,000)	M1	3	m
3932	Theft of Leased Property (\$50 to less than \$200)	M2	2	m
3932	Theft of Leased Property (less than \$50)	M3	1	m
[3933 (a)(1)]	[Unlawful Use of Computer]	[F3]	[5]	[1]
[3933 (a)(2)(3)]	[Unlawful Use of Computer]	[M1]	[3]	[m]
3934 (b)(1)(i)	Theft from a motor vehicle (less than \$50)	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3934 (b)(1)(ii)	Theft from a motor vehicle (\$50 or more but less than \$200)	M2	2	m
3934 (b)(1)(iii)	Theft from a motor vehicle (greater than \$200)	M1	3	m
3934 (b)(2)	Theft from a motor vehicle (third/subseq. in 5 yrs.)	F3	6	1
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m
4102	Simulating Antiques	M1	3	m
4103	Fraudulent Destruction of Recordable Instruments	F3	5	1
4104 (a)	Tampering with Records or Identification	M1	3	m
4105 (c)(1)(ii)	Bad Checks (\$200 - <\$500)	M3	1	m
4501 (c)(1)(iii)	Bad Checks (\$500 - <\$1,000)	M2	2	m
4105 (c)(1)(iv)	Bad Checks (\$1,000 - <\$75,000)	M1	3	m
4105 (c)(1)(v)	Bad Checks (\$75,000 or more)	F3	5	1
4105 (c)(2)	Bad Checks (3rd or subseq./<\$75,000)	M1	3	m
4105 (c)(2)	Bad Checks (3rd or subseq./\$75,000 or more)	F3	5	1
4106 (c)(1)(i)	[Credit Cards (more than \$500)] Access device fraud (\$500 or more)	F3	[3] 5	1
4106 (c)(1)(ii)	[Credit Cards] Access device fraud (\$50 or more but less than \$500)	[M2] M1	[2] 4	m
4106 (c)(1)(iii)	Access device fraud (less than \$50)	M2	3	m
4106 (c)(3)	Access device fraud (provide counterfeit device)	F3	5	1
4106 (c)(4)	Access device fraud (possess counterfeit device)	M3	2	m
4106.1 (a)(1)	Unlawful device-making equipment (produce/traffic equipment)	F3	6	1
4106.1 (a)(2)	Unlawful device-making equipment (possess equipment)	M1	4	m
4107 (a.1)(1)(i)	Deceptive or Fraudulent Business Practices (>\$2,000)	F3	5	1
4107 (a.1)(1)(ii)	Deceptive or Fraudulent Business Practices (\$200—\$2,000)	M1	3	m
4107 (a.1)(1)(iii)	Deceptive or Fraudulent Business Practices (<\$200)	M2	2	m
4107 (a.1)(1)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained)	M2	2	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4107 (a.1)(3)(i)	Deceptive or Fraudulent Business Practices (>\$2,000; victim 60 yrs.+)	F2	7	2
4107 (a.1)(3)(ii)	Deceptive or Fraudulent Business Practices (\$200—\$2,000; victim 60 yrs. +)	F3	5	1
4107 (a.1)(3)(iii)	Deceptive or Fraudulent Business Practices (<\$200; victim 60 yrs. +)	M1	3	m
4107 (a.1)(3)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained; victim 60 yrs. +)	M1	3	m
4107.1	Deception Relating to Kosher Foods	M3	1	m
4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	F3	4	1
4108	Commercial Bribery and Breach of Duty	M2	2	m
4109	Rigging Public Contest	M1	3	m
4110	Defrauding Secured Creditors	M2	2	m
4111	Fraud in Insolvency	M2	2	m
4112	Receiving Deposits; Failed Institution	M2	2	m
4113	Misapplication of Entrusted Property (over \$50)	M2	2	m
4113	Misapplication of Entrusted Property (\$50 or less)	M3	1	m
4114	Securing Execution of Documents by Deception	M2	2	m
4115	Falsely Impersonating Persons Privately Employed	M2	2	m
4116 (g)(1)	Copying; Recording Devices (100 or more motion picture devices or 1,000 or more sound recording devices)	F3	5	1
4116 (g)(1)	Copying; Recording Devices (second or subsequent conviction at time of sentencing)	F2	7	2
4116 (g)(2)	Copying; Recording Devices (any other violation)	M1	3	m
4116 (g)(2)	Copying; Recording Devices (any other violation; second or subsequent conviction at time of sentencing)	F3	5	1
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (first violation)	M1	3	m
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (second or subsequent conviction at time of sentencing)	F3	4	1
4117 (a)	Insurance Fraud	F3	4	1
4117 (b)	Insurance Fraud	M1	3	m
4118	Washing titles [vehicles]	F3	4	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4119 (c)(1)	Trademark Counterfeiting	M1	3	m
4119 (c)(2)	Trademark Counterfeiting	F3	5	1
4119 (c)(3)	Trademark Counterfeiting	F2	7	2
4120 (c)(1)(i)	Identity theft (total value < \$2000)	M1	3	m
4120 (c)(1)(ii)	Identity theft (total value \$2000 or more)	F3	5	1
4120 (c)(1)(iii)	Identity theft (criminal conspiracy, any amount)	F3	5	1
4120 (c)(1)(iv)	Identity theft (third/subsequent offense)	F2	7	2
4120 (c)(2)(i)	Identity theft (victim 60 yrs or older, total value < \$2000)	F3	5	1
4120 (c)(2)(ii)	Identity theft (victim 60 yrs or older, total value \$2000 or more)	F2	7	2
4120 (c)(2)(iii)	Identity theft (victim 60 yrs or older, criminal conspiracy, any amount)	F2	7	2
4120 (c)(2)(iv)	Identity theft (victim 60 yrs or older, third/subsequent offense)	F1	8	3
4301	Bigamy	M2	3	m
4302	Incest	F2	[7] 9	[2] 4
4302 INCHOATE	—Attempt/Solicitation/Conspiracy to Incest	18 Pa.C.S. § 905	9	3
4303	Concealing Death of Child	M1	3	m
4304	Endangering Welfare of Children	M1	5	1
4304	Endangering Welfare of Children (course of conduct)	F3	6	1
4305	Dealing in Infant Children	M1	4	1
4701	Bribery, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	M2	2	m
4703	Retaliation for Past Official Action	M2	2	m
4902	Perjury	F3	5	1
4903 (a)	False Swearing	M2	2	m
4903 (b)	False Swearing	M3	1	m
4904 (a)	Unsworn Falsification to Authorities	M2	2	m
4904 (b)	Unsworn Falsification to Authorities	M3	1	m
4905 (b)	False Alarms to agencies of public safety (causes a false alarm)	M1	3	m
4905 (b)	False Alarms to agencies of public safety (during a state of emergency)	F3	5	1
4906 (a)	False Reports to Law Enforcement [Officials] Authorities (falsely incriminating another)	M2	2	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4906 (a)	False Reports to Law Enforcement [Officials] Authorities (during a state of emergency)	[M2] M1	[2] 3	m
4906 (b)	False Reports to Law Enforcement [Officials] Authorities (fictitious reports)	M3	1	m
4906 (b)	False Reports to Law Enforcement [Officials] Authorities (fictitious reports during a state of emergency)	[M3] M2	[1] 2	m
4909	Witness Taking Bribe	F3	5	1
4910	Tampering with Physical Evidence	M2	2	m
4911	Tampering w/Public Records or Information	F3	4	1
4911	Tampering w/Public Records or Information	M2	2	m
4912	Impersonating a Public Servant	M2	2	m
4913	Impersonating Notary Public	M1	3	m
4914	False identification to law enforcement authorities	M3	1	m
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1	11	3
4952	Intimidation of Witnesses or Victims (listed factor(s) and most serious charged offense is F2)	F2	9	2
4952	Intimidation of Witnesses or Victims (any other case in which actor sought to influence or intimidate)	F3	7	1
4952	Intimidation of Witnesses or Victims (any other obstruction or interference)	M2	5	m
4953	Retaliation Against Witness or Victim	F3	8	1
4953	Retaliation Against Witness or Victim	M2	5	m
4953.1 (b)(1)–(5)	Retaliation against prosecutor or judicial officer (listed circumstances)	F2	9	2
4953.1 (b)	Retaliation against prosecutor or judicial officer (all other circumstances)	M1	6	m
5101	Obstructing Justice	M2	3	m
5102	Obstruction of Justice by Picketing	M2	2	m
5103	Unlawfully Listening to Jury Deliberations	M3	1	m
5104	Resisting Arrest	M2	2	m
5105	Apprehension, Hindering (if conduct liable to be charged is F1 or F2)	F3	4	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5105	Apprehension, Hindering	M2	2	m
5107	Aiding Consummation of Crime (of F1/F2)	F3	5	1
5107	Aiding Consummation of Crime	M2	2	m
5108	Compounding	M2	2	m
5109	Barratry	M3	1	m
5110	Contempt of General Assembly	M3	1	m
5111	Dealing in Proceeds of Unlawful Activities	F1	8	3
5112	Obstructing emergency services	M3	1	m
5121 (d)(1)(i)(ii)(iii)*	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3	5	1
5121 (d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3	6	1
5121 (d)(2)	Escape	M2	3	m
5122 (a)(1)	Weapons or implements for escape (providing to inmate)	M1	8	m
5122 (a)(2)	Weapons or implements for escape (possessed by inmate)	M1	4	m
[5122 (a)(3)]	[Weapons or Implements for Escape (tools)]	[M2]	[3]	[m]
5123 (a)	Contraband (provide controlled substance to confined person)	F2	7	2
5123 (a.2)	Contraband (possession of controlled substance by confined person)	[M1] F2	[3] 7	[m] 2
5123 (b)	Contraband (money)	M3	1	m
5123 (c)	Contraband (other)	M1	3	m
5123 (c.1)	Contraband (telecommunication devices to inmates)	M1	5	m
5123 (c.2)	Contraband (possession of telecommunication devices by inmates)	M1	3	m
5124	Default in Required Appearance	F3	4	1
5124	Default in Required Appearance	M2	2	m
5125	Absconding Witness	M3	1	m
5126	Avoiding Apprehension	F3	5	1
5126	Avoiding Apprehension	M2	2	m
5301	Official Oppression	M2	2	m
5302	Speculating on Official Action	M2	2	m
5501	Riot	F3	4	1
5502	Failure to Disperse	M2	2	m
5503	Disorderly Conduct	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[5504]	[Harassment by Communication]	[M3]	[1]	[m]
5506	Loitering and Prowling	M3	1	m
5507	Obstructing Highways	M3	1	m
5508	Disrupting Meetings	M3	1	m
5509	Desecration of Venerated Objects	M2	2	m
5510	Abuse of Corpse	M2	3	m
5511 (a)(1)	Cruelty to Animals	M2	3	m
5511 (a)(2)	Cruelty to Animals	F3	5	1
5511 (a)(2.1)(i)	Cruelty to Animals (killing, maiming, poisoning)	[M2] M1	3	m
5511 (a)(2.1)(ii)	Cruelty to Animals	F3	5	1
5511 (e.1)	Cruelty to Animals (transporting equine animals in cruel manner (2nd/subseq.))	M3	1	m
5511 (h.1)	Cruelty to Animals (animal fighting)	F3	5	1
5511.2 (a)	Police animals (illegal to taunt)	F3	5	1
5511.2 (b)	Police animals (illegal to torture)	F3	7	1
5511.3	Assault with biological agents on animals, fowl or honey bees	F2	7	2
5512	Lotteries	M1	3	m
5513	Gambling Devices	M1	3	m
5514	Pool Selling and Bookmaking	M1	3	m
5515	Prohibiting Paramilitary Training	M1	3	m
5516 (b)	Facsimile weapons of mass destruction (manufacture, sells, etc.)	F3	5	1
5517	Unauthorized school bus entry	M3	1	m
5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications	F3	5	1
5705	Possession, Sale, Distribution, Manufacture or Advertisement of Interception Devices	F3	5	1
5719	Unlawful Use of Intercepted Communications	M2	2	m
5771	Pen Register and Trap and Trace Devices (general prohibition on use of certain devices and exception)	M3	1	m
5901	Open Lewdness	M3	1	m
5902 [(a)] (a.1)(1)	Prostitution (first/second offense)	M3	1	m
5902 (a.1)(2)	Prostitution (third offense)	M2	3	m
5902 (a.1)(3)	Prostitution (fourth/subsequent offense)	M1	4	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5902 [(a)(b)(d)(e) when (a.1),(c)(v) or (e.1) applies] (a.1)(4)	Prostitution [and Related Offenses] (HIV or AIDS related)	F3	[5] 7	1
5902 [(b)(d) when (c)(1)(i)(ii)(iv) applies] (c)(1)	Promoting Prostitution [and Related Offenses]	F3	5	1
5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3	8	1
5902 [(b)] (c)(2)	Promoting Prostitution	M2	3	m
5902 [(e)] (e.1)(1)	Patronizing Prostitutes (first/second offense)	M3	1	m
5902 (e.1)(2)	Patronizing Prostitutes (third offense)	M2	3	m
5902 (e.1)(3)	Patronizing Prostitutes (fourth/subsequent offense)	M1	4	m
5902 (e.1)(4)	Patronizing Prostitutes (HIV/AIDS)	F3	7	1
5903	Obscene Materials	M1	3	m
5903	Obscene Materials [(subsequent offense)]	F3	5	1
5903	Obscene Materials	F2	7	2
5904	Public Exhibition of Insane or Deformed Person	M2	2	m
6105*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (loaded)	[M1] F2	[5] 10	[1] 2
6105*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (unloaded)	[M1] F2	[4] 9	[1] 2
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible; loaded or ammunition in possession or control of defendant)	F3	[5] 9	1
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible; unloaded and ammunition not in possession or control of defendant)	F3	[4] 7	1
6106 (a)(2)*	Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant)	M1	4	1
6106 (a)(2)*	Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant)	M1	3	1
6107	Prohibited Conduct during Emergency	M1	3	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (loaded or ammunition in possession or control of defendant)	M1	5	1
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6110.1 (a)	Possession of Firearm by Minor	M1	3	1
6110.1 (c)	Possession of Firearms by Minor (responsibility of adult)	F3	7	1
6110.2*	Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)	M1	5	1
6110.2*	Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6111 (g)(1)	Sale or Transfer of Firearms	M2	2	m
6111 (g)(2)(3)(3.1)(4)	Sale or Transfer of Firearms [(to ineligible; unlawful request for criminal history; false statements)]	F3	5	1
6111 (h)	Sale or Transfer of Firearms(subsequent)	F2	7	2
6112	Retail Dealer Required to be Licensed	M1	3	1
6113	Licensing of Dealers	M1	3	1
6115	Loans, Lending, Giving Firearms Prohibited	M1	3	1
6116	False Evidence of Identity	M1	3	1
6117	Altering Marks of Identification	F2	7	2
6121	Certain Bullets Prohibited	F3	5	1
6122	Proof of License	M1	3	1
6161	Carrying Explosives	M2	3	m
6162	Shipping Explosives	M3	3	m
6301 (a)(1)*	Corruption of Minors (when of a sexual nature)	M1	5	1
6301 (a)(1)*	Corruption of Minors	M1	4	m
6301 (a)(2)	Corruption of Minors (second violation of truancy in year)	M3	1	m
6302	Sale or Lease of Weapons	M1	4	m
6303	Sale of Starter Pistols	M1	4	m
6304	Sale of Air Rifles	M3	1	m
6306	Furnish Cigarettes to Minors (3rd and subsequent offenses)	M3	1	m
6307	Misrepresentation of Age to Secure Alcohol (subsequent offense)	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6309	Representing that Minor is of Age	M3	1	m
6310	Inducement of Minors to Buy Liquor	M3	1	m
6310.1	Selling Liquor to Minors	M3	1	m
6310.2	Manufacture or Sale of False ID	M2	2	m
6310.3	Carrying False ID (subsequent offense)	M3	1	m
6311	Tattooing [(a minor)] and body piercing (first offense)	M3	1	m
6311	Tattooing and body piercing (second/subsequent offense within one year)	M2	2	m
6312 (b)	Sexual Abuse of Children [(taking photos)] (photographing, etc.)	F2	7	2
6312 (c)	Sexual Abuse of Children [(selling photos)] (dissemination, etc.; first offense)	F3	6	1
6312 (c)	Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)	F2	8	2
6312 (d)	Possession of Child Pornography (first offense)	F3	5	1
6312 (d)	Possession of Child Pornography (second/subsequent offense)	F2	8	2
6318	Unlawful contact or communication with minor (if underlying offense is less than M1)	M1	3	1
6318	Unlawful contact or communication with minor (if underlying offense is M1 or greater)	same as underlying offense	same as underlying offense	same as underlying offense
6319 (a)	Solicitation of minors to traffic drugs (general provision)	F2	9	2
6319 (b)	Solicitation of minors to traffic drugs (drug-free school zone)	F1	10	3
6320	Sexual exploitation of children	F2	9	2
6501 (a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	m
6501 (a)(3)	Scattering Rubbish (1st. offense)	M2	2	m
6501 (a)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6504	Public Nuisances	M2	2	m
6703	Military Decorations	M3	1	m
6707	False Registration of Domestic Animals	M3	1	m
6709	Use of Union Labels	M3	1	m
6901	Extension of Water Line	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6910	Unauthorized Sale of Tickets	M3	1	m
7102	Drugs to Race Horses	M1	3	m
7103	Horse Racing	M3	1	m
7104	Fortune Telling	M3	1	m
7107	Unlawful Actions by Athlete Agents	M1	3	m
7302 (a)	Sale of Solidified Alcohol	M2	2	m
7302 (b)	Labeling of Solidified Alcohol	M1	3	m
7303	Sale or Illegal Use of Solvents	M3	1	m
7306	Incendiary Devices	M1	3	m
7307	Out of State Convict Made Goods	M2	2	m
7308	Unlawful Advertising of Insurance Business	M2	2	m
7309	Unlawful Coercion in Contracting Insurance	M1	3	m
7310	Furnishing Free Insurance	M3	1	m
7311	Unlawful Collection Agency Practices	M3	1	m
7312	Debt Pooling	M3	1	m
7313	Buying Food Stamps (>\$1,000)	F3	5	1
7313	Buying Food Stamps (<\$1,000)	M1	3	m
7314	Fraudulent Traffic in Food Orders (>\$1,000)	F3	5	1
7314	Fraudulent Traffic in Food Orders (<\$1,000)	M1	3	m
7316	Keeping Bucket-Shop	M3	1	m
7317	Accessories, Bucket-Shop	M3	1	m
7318	Maintaining Bucket-Shop Premises	M3	1	m
7319	Bucket-Shop Contracts	M3	1	m
7321	Lie Detector Tests	M2	2	m
7322	Demanding Property to Secure Employment	M3	1	m
7323	Discrimination on Account of Uniform	M2	2	m
7324	Unlawful Sale of Dissertations, Thesis, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m
7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
7507.1	Invasion of privacy (single violation)	M3	1	m
7507.1	Invasion of privacy (more than one violation)	M2	3	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7509 (a)	Furnishing drug-free urine (unlawful sale or attempt)	M3	1	m
7509 (b)	Furnishing drug-free urine (use or attempt)	M3	1	m
7510 (b)(1)	Municipal housing code avoidance (4th conviction)	M2	2	m
7510 (b)(2)	Municipal housing code avoidance (5th or subsequent conviction)	M1	3	m
7512	Criminal use of communication facility	F3	5	1
7515	Contingent compensation	M3	1	m
7516	Greyhound racing	M1	3	m
7611	Unlawful use of a computer	F3	7	1
7612	Disruption of computer service	F3	7	1
7613	Computer theft	F3	7	1
7614 (b)(1)	Unlawful duplication (value of \$2,500 or less)	F3	5	1
7614 (b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7624 (1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624 (2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624 (3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1
7661 (b)(1)	Unlawful transmission of electronic mail (value of less than \$2,500)	M3	1	m
7661 (b)(2)	Unlawful transmission of electronic mail (damage/reckless disregard, value of \$2,500 or greater)	M1	5	m
7661 (b)(3)	Unlawful transmission of electronic mail (damage/malicious act, value of \$2,500 or greater)	F3	7	1
	Offenses not otherwise listed [OMNIBUS]	F1	8	3
		F2	7	2
		F3	5	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

MISCELLANEOUS OFFENSES
(Chop Shop, Crime Victims, Environmental)

18 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
1.1—1.8	MOTOR VEHICLE CHOP SHOP AND ILLEGALLY OBTAINED AND ALTERED PROPERTY ACT			
1.3	Owning, operating or conducting a chop shop	F2	7	2
1.4 (a)	Altered or illegally obtained property (alteration or destruction of vehicle identification number)	F3	5	1
1.4 (b)	Altered or illegally obtained property (disposition of vehicle)	F3	5	1
11.101—11.5102	CRIME VICTIMS ACT			
11.1303	False claim for victim compensation	M3	2	m

35 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6018.101—6018.1002	SOLID WASTE MANAGEMENT ACT			
	Knowingly Transports, etc. Hazardous Waste Without Permit	F1	9	1
	Transports, etc. Hazardous Without Permit	F2	7	2
	Violation of Act; [DER] DEP Order, etc.	M3	1	m
691.1—691.1001	CLEAN STREAMS LAW Violation of Act; [DER] DEP Order	M3	1	m
4001—4015	AIR POLLUTION CONTROL ACT			
	Knowingly Releases Hazardous Air Pollutant	F1	9	1
	Violation of Act; [DER] DEP Order	M2	2	m
	Negligently Releases Hazardous Air Pollution	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

**MISCELLANEOUS OFFENSES
(Chop Shop, Crime Victims, Environmental)**

18 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
721.1—721.17	SAFE DRINKING WATER ACT			
	Knowingly Introduces Contaminant Into Public Water	M1	3	m
	Violation of Act; [DER] DEP Order	M3	1	m

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	Manufacture/Sale/Delivery of Adulterated Drug	M	4	m
(2)	Adulteration of Controlled Substance	M	4	m
(3)	False Advertisement	M	4	m
(4)	Removal of Detained Substance	M	5	m
(5)	Adulteration of Sellable Controlled Substance	M	4	m
(6)	Forging ID Under Act	M	5	m
(7)	Defraud Trademark	M	5	m
(8)	Selling Defrauded Trademark	M	5	m
(9)	Having Equipment to Defraud	M	5	m
(10)	Illegal Sale of Nonproprietary Drug	M	4	m
(11)	Illegal Pharmacy Operations	M	5	m
(12)*	Acquisition of Controlled Substance by Fraud:			
	Heroin (> 1,000g)	F	13	3
	Heroin (100g to 1000g)	F	11	3
	Heroin (50g to < 100g)	F	10	3
	Heroin (10g to < 50g)	F	8	2
	Heroin (1g < 10 g)	F	7	2
	Heroin (< 1g)	F	6	2
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to < 100g)	F	10	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to < 50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to < 10g)	F	7	2

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule 1 and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (> 1000 pills)	F	[5] 10	[2] 3
	MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - < 1000 pills)	F	[5] 7	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - < 100 pills)	F	5	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - < 50 pills)	F	[5] 3	2
	Narcotic Prescription Pills of Schedule II (> 100 pills)(including OxyContin, Percocet)	F	10	3
	Narcotic Prescription Pills of Schedule II (51-100 pills)(including OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21-50 pills)(including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1-20 pills)(including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (1000 lbs. or greater or 5,000 or more live plants)	F	[8] 10	[2] 3
	Marijuana (50 lbs. to < 1000 lbs. [or greater] or 51 to < 5,000 [or more] live plants)	F	8	2
	Marijuana (10 lbs. to < 50 lbs. or 21 to < 51 live plants)	F	7	2
	Marijuana (1 lb. to < 10 lbs. or 10 to < 21 live plants)	F	5	2
	Marijuana (< 1 lb. or < 10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(13)	Dispense of Drugs to Drug Dependent Person	M	4	m
(14)*	Delivery by Practitioner			
	Heroin (>1,000g)	F	13	3
	Heroin (100g to 1000g)	F	11	3
	Heroin (50g to < 100g)	F	10	3
	Heroin (10g to < 50g)	F	8	2
	Heroin (1g to < 10g)	F	7	2
	Heroin (< 1g)	F	6	2

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (>1,000g)	F	13	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50 g to <100g)	F	10	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to <50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to <10g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (>1000 pills)	F	[5] 10	[2] 3
	MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - <1000 pills)	F	[5] 7	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - <100 pills)	F	5	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - <50 pills)	F	[5] 3	2
	Narcotic Prescription Pills of Schedule II (>100 pills)(including Oxycodone, OxyContin, Percocet)	F	10	[2] 3
	Narcotic Prescription Pills of Schedule II (51 - 100 pills)(including Oxycodone, OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21 - 50 pills)(including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1 - 20 pills)(including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (1000 lbs. or greater or 5,000 or more live plants)	F	[8] 10	[2] 3
	Marijuana (50 lbs. to <1000 lbs. [or greater] or 51 to <5,000 [or more] live plants)	F	8	2
	Marijuana (10 lbs. to <50 lbs. or 21 to <51 live plants)	F	7	2
	Marijuana (1 lb. to <10 lbs. or 10 to <21 live plants)	F	5	2

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(15)	Illegal Retail Sale	M	4	m
(16)	Simple Possession	M	3	m
(17)	Dispensing of Drugs Without Label	M	4	m
(18)	Illegal Sale Container	M	4	m
(19)	Intentional Unauthorized Purchase	M	5	m
(20)	Divulging Trade Secret	M	4	m
(21)	Failure to Keep Records	M	2	m
(22)	Refusal of Inspection	M	2	m
(23)	Unauthorized Removal of Seals	M	5	m
(24)	Failure to Obtain License	M	2	m
(25)	Manufacture by Unauthorized Party	M	5	m
(26)	Distribution by Registrant of Controlled Substance	M	5	m
(27)	Use of Fictitious Registration Number	M	5	m
(28)	False Application Material	M	5	m
(29)	Production of Counterfeit Trademarks	M	5	m
(30)*	Possession With Intent to Deliver (PWID):			
	Heroin (> 1,000g)	F	13	3
	Heroin (100g to 1000g)	F	11	3
	Heroin (50g to <100g)	F	10	3
	Heroin (10g to <50g)	F	8	2
	Heroin (1g to <10g)	F	7	2
	Heroin (< 1g)	F	6	2
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to <100g)	F	10	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to <50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to <10g)	F	7	2

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (>1000 pills)	F	[5] 10	[2] 3
	MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - <1000 pills)	F	[5] 7	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - <100 pills)	F	5	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - <50 pills)	F	[5] 3	2
	Narcotic Prescription Pills of Schedule II (>100 pills)(including Oxycodone, OxyContin, Percocet)	F	10	[2] 3
	Narcotic Prescription Pills of Schedule II (51 - 100 pills)(including Oxycodone, OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21 - 50 pills)(including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1 - 20 pills)(including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (1000 lbs. or greater or 5,000 or more live plants)	F	[8] 10	[2] 3
	Marijuana (50 lbs. to <1000 lbs. [or greater] or 51 to <5,000 [or more] live plants)	F	8	2
	Marijuana (10 lbs. to <50 lbs. or 21 to <51 live plants)	F	7	2
	Marijuana (1 lb. to <10 lbs. or 10 to <21 live plants)	F	5	2
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(31)	Small Amount of Marijuana	M	1	m
(32)	Possession of Paraphernalia	M	1	m
(33)	PWID Paraphernalia (no minor)	M	3	m
(33)	PWID Paraphernalia (minor w/Conditions)	M2	4	m
(34)	Ad for Drug Paraphernalia	M	1	m
(35)	Illegal Sale of Non controlled Substance	F	[6] 5	2
(36)	Designer Drugs	F	5	2

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(37)	Possession of Steroids	M	4	m
(38)(i)	Unlawful manufacture of methamphetamine (child under 18 years of age present)	F3	7	1
(38)(ii)	Unlawful manufacture of methamphetamine (child under 18 years of age suffers serious bodily injury)	F2	9	2

35 P. S. § 780-113.1 (a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas)	M	3	m
(2)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas with intent to manufacture controlled substance)	F	5	2
(3)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing red phosphorous, etc.)	F	5	2
	Offenses not otherwise listed [OMNIBUS]	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

JUDICIAL CODE

42 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4583.1 (b)(1)	Aggravated jury tampering (most serious offense submitted for deliberation is F1 or Murder 1 or Murder 2)	F1	11	4
4583.1 (b)(2)	Aggravated jury tampering (most serious offense submitted to jury is F2)	F2	9	2
4583.1 (b)(3)	Aggravated jury tampering (any other violation)	F3	7	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

JUDICIAL CODE

42 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4732 (a)	DNA database, disclosure prohibition (disclose to unauthorized person)	M1	3	m
4732 (b)	DNA database, disclosure prohibition (obtain without authorization)	M1	3	m
[9793 (e)]	[Failure to Register (sexually violent offenses)]	[F3]	[6]	[1]
[9795 (d)]	[Failure to Register (sexually violent predator)]	[F3]	[6]	[1]
9795.2 (d)(1)	Failure to register (10-year registration)	F3	6	1
9795.2 (d)(2)	Failure to register (lifetime registration)	F1	8	3

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
9796 (e)(1)	Failure to [Register] verify residence (10-year registration)	F3	6	1
9796 (e)(2)	Failure to verify residence (lifetime registration)	F1	8	3
1543 (1.1)(ii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence; 2nd offense)	M3	1	m
1543 (1.1)(iii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence, 3rd/subseq. offense)	M1	3	m
1571 (a)(5)	Violations concerning licenses (exhibit or cause altered driver's license)	M1	3	m
1571 (a.1)	Violations concerning licenses (employees and agents issuing altered driver's license)	F3	5	1
3712	Abandonment/Stripping of Vehicles	M3	1	m
[3731]	[Driving Under the Influence (1st conviction in 7 years) (MANDATORY MINIMUM=48 HOURS)]	[M2]	[2]	[m]
[3731]	[Driving Under the Influence (2nd conviction in 7 years) (MANDATORY MINIMUM=30 DAYS)]	[M2]	[2]	[m]

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[3731]	[Driving Under the Influence (3rd conviction in 7 years) (MANDATORY MINIMUM=90 DAYS)]	[M1]	[3]	[1]
[3731]	[Driving Under the Influence (4th/subseq. conviction in 7 years) (MANDATORY MINIMUM=1 YEAR)]	[M1]	[3]	[1]
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident; occurs in active work zone)	[M1] F3	[8] 10	1
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident)	[M1] F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident; occurs in active work zone)	[M1] F3	[6] 8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	[M1] F3	6	1
3733	Fleeing or Eluding Police	M2	2	m
3735	Homicide by Vehicle while DUI (MANDATORY MINIMUM=3 YEARS)	F2	[8] 10	2
3735.1	Aggravated Assault by Vehicle while DUI	F2	7	2
3742 (b)(1)	Accident Involving Death or Personal Injury (failure to stop)	M1	3	m
3742 (b)(2)	Accident Involving Death or Personal Injury (resulting in SBI) (MANDATORY MINIMUM= 90 DAYS)	F3	5	1
3742 (b)(3)	Accident Involving Death or Personal Injury (resulting in death) (MANDATORY MINIMUM=1 YEAR)	F3	6	1
3742.1 (b)(1)	Accident involving death or personal injury while not properly licensed [(license suspended)]	M2	2	m
[3742.1 (b)(1)]	[Accident Involving Death or Personal Injury (no license issued)]	[M3]	[1]	[m]
3742.1 (b)(2)*	Accident involving death or personal injury while not properly licensed [(SBI, license suspended)] (SBI)	F3	[4] 5	1
3742.1 (b)(2) *	Accident involving death or personal injury while not properly licensed [(death, no license issued)] (death)	F3	[5] 6	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[3742.1 (b)(2) *]	[Accident Involving Death or Personal Injury (SBI, license suspended)]	[M1]	[3]	[m]
[3742.1 (b)(2) *]	[Accident Involving Death or Personal Injury (death, no license issued)]	[M1]	[4]	[m]
3743	Accident Involving Damage to Attended Vehicle	M3	1	m
3802	Driving under influence of alcohol or controlled substance (DUI)			
3802 (a)(1)	DUI (incapable of safe driving; first offense)	M	1	m
3802 (a)(1)	DUI (incapable of safe driving; second offense)	M	1	1
3802 (a)(1)	DUI (incapable of safe driving; third/subsequent offense)	M2	3	1
3802 (a)(1)	DUI (refuse testing; first offense)	M	1	m
3802 (a)(1)	DUI (refuse testing; second offense)	M1	5	1
3802 (a)(1)	DUI (refuse testing; third/subsequent offense)	M1	5	1
3802 (a)(1)	DUI (accident; first offense)	M	1	m
3802 (a)(1)	DUI (accident; second offense)	M	1	1
3802 (a)(1)	DUI (accident; third offense)	M1	5	1
3802 (a)(1)	DUI (accident; fourth/subsequent offense)	M1	5	1
3802 (a)(2)	DUI (BAC .08 - <.10; first offense)	M	1	m
3802 (a)(2)	DUI (BAC .08 - <.10; second offense)	M	1	1
3802 (a)(2)	DUI (BAC .08 - <.10; third/subsequent offense)	M2	3	1
3802 (b)	DUI (BAC .10 - <.16; first offense)	M	1	m
3802 (b)	DUI (BAC .10 - <.16; second offense)	M	1	1
3802 (b)	DUI (BAC .10 - <.16; third offense)	M1	5	1
3802 (b)	DUI (BAC .10 - <.16; fourth/subsequent offense)	M1	5	1
3802 (c)	DUI (BAC .16+; first offense)	M	1	m
3802 (c)	DUI (BAC .16+; second offense)	M1	5	1
3802 (c)	DUI (BAC .16+; third/subsequent offense)	M1	5	1
3802 (d)	DUI (controlled substance; first offense)	M	1	m
3802 (d)	DUI (controlled substance; second offense)	M1	5	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3802 (d)	DUI (controlled substance; third/subsequent offense)	M1	5	1
3802 (e)	DUI (under 21 years of age; first offense)	M	1	m
3802 (e)	DUI (under 21 years of age; second offense)	M	1	1
3802 (e)	DUI (under 21 years of age; third offense)	M1	5	1
3802 (e)	DUI (under 21 years of age; fourth/subsequent offense)	M1	5	1
3802 (f)	DUI (commercial/school vehicle; first offense)	M	1	m
3802 (f)	DUI (commercial/school vehicle; second offense)	M	1	1
3802 (f)	DUI (commercial/school vehicle; third offense)	M1	6	1
3802 (f)	DUI (commercial/school vehicle; fourth/subsequent offense)	M1	7	1
3808	Ignition interlock			
3808 (a)(2)	Ignition interlock (illegally operate vehicle not equipped; BAC .025 or greater)	M	1	m
3808 (b)	Ignition interlock (tampering with ignition interlock system)	M	1	m
7102	Falsify Vehicle Identification	M1	3	m
7102	Falsify Vehicle Identification	M3	1	m
7103	Deal in Vehicles with Removed Identification	F3	5	1
7103	Deal in Vehicles with Removed Identification	M3	1	m
7111	Deal in Stolen Plates	M1	3	m
7112	False Report of Theft or Vehicle Conversion	M3	1	m
7121	False Application for Title/Registration	M1	3	m
7122	Altered or Forged Title or Plates	M1	3	m
7132	Prohibited Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7133	Permissible Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7134	Odometer Disclosure Requirement (1st or subsequent offense, subchapter D)	F3	4	1
7135	Odometer Mileage Statement (1st or subsequent offense, subchapter D)	F3	4	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7136	Conspiracy to Violate (1st or subsequent offense, subchapter D)	F3	4	1
7137	Violation of Unfair Trade Practices (1st or subsequent offense, subchapter D)	F3	4	1
7752(b)	Unauthorized Disposition of Forms	M3	1	m
8306(b)	Willful Violations	M3	1	m
8306(c)	Subsequent Willful Violations	M2	2	m
	Offenses not otherwise listed [OMNIBUS]:	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

§ 303.16. Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder/SBI Rape (child <13 years)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/- 12
	13	Inchoate Murder/no SBI Weapons (mass destr./injury) PWID Cocaine, etc. (>1,000 gms)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape IDSI Robbery (SBI)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt (SBI) Voluntary Manslaughter Sexual Assault PWID Cocaine, etc.(100-1,000 gms)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg. Indecent. Asslt Agg Asslt (att. SBI) Arson (person inside) Hom. by veh.(DUI & work zone) PWID Cocaine, etc.(50-<100 gms)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual exploitation of children Robbery (F1/F2) Burglary (home/person) Arson (no person inside)	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar RIP trade	8 [F1]	Agg Asslt (BI w/DW) Theft (firearm) Identity theft (60 yrs., 3rd off.) Hom. by veh.(DUI or work zone) Theft (>\$100,000) PWID Cocaine, etc. (10-<50 gms)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty Incar RIP trade	7 [F2]	Robbery (inflicts/threatens BI) Burglary (home/ no person) Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity theft (3rd off.) PWID Cocaine, etc.(2.5-<10 gms)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-36 BC	35-45 BC	NA	+/- 6
	6	Agg Asslt (physical menace) Hom. by vehicle Burglary (not home/person) Theft (>\$25,000-\$50,000) Arson (property) PWID Cocaine, etc.<2.5 gms)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5 [F3]	Burglary (not home/no person) Theft (>\$2000-\$25,000) DUI (M1) PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent assault Forgery (money, stocks) Weapon on school property Crim Trespass (breaks in)	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 [M1]	Simple Assault Theft (\$200-\$2000) DUI (M2) Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 [M2]	Theft (\$50-<\$200) Retail Theft (1st ,2nd) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1 [M3]	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

1. Shaded areas of the matrix indicate restrictive intermediate punishments may be imposed as a substitute for incarceration.
2. When restrictive intermediate punishments are appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
5. Statutory classification (e.g., F1, F2, etc.) in brackets reflect the omnibus OGS assignment for the given grade.

Key:

BC	= boot camp	RIP	= restrictive intermediate punishments
CNTY	= county	RS	= restorative sanctions
INCAR	= incarceration	SBI	= serious bodily injury
PWID	= possession with intent to deliver	SL	= statutory limit (longest minimum sentence)
REVOC	= repeat violent offender category	~	= no recommendation (aggravated sentence would exceed statutory limit)
RFEL	= repeat felony 1 and felony 2 offender category	< ; >	= less than; greater than

§ 303.17. DWE/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
Level 5	14	Possessed	81-SL	93-SL	105-SL	129-SL	177-SL	201-SL	213-SL	240	-/- 12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	16-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

§ 303.18. DWE/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	-/- 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
Level 3	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

[Pa.B. Doc. No. 05-410. Filed for public inspection March 4, 2005, 9:00 a.m.]