

THE GENERAL ASSEMBLY

Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 067 through 077					
067	Dec 18	HB0017	PN2982	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
068	Dec 18	HB0043	PN2870	60 days	Environmental Resources (27 Pa.C.S.)—Uniform environmental covenants
069	Dec 18	HB0131	PN2910	60 days	General Local Government Code (53 Pa.C.S.)—prohibiting fees for police services
070	Dec 18	HB0296	PN2873	Immediately*	Crimes Code (18 Pa.C.S.)—costs imposed following conviction for passing bad checks and the offense of debt pooling
071	Dec 18	HB1604	PN2043	30 days	Battle of the Bulge Veterans Memorial Highway—designation
072	Dec 18	HB1877	PN2574	60 days	County Code—authorization of hotel tax
073	Dec 18	HB1961	PN2832	Immediately*	Domestic Relations (23 Pa.C.S.)—information relating to prospective child-care personnel
074	Dec 18	SB0648	PN1486	Immediately	Conveyances—Commonwealth property in Ligonier Borough, Westmoreland County; City of Connellsville, Fayette County; City of Allentown, Lehigh County; Bensalem Township, Bucks County and Susquehanna Township, Dauphin County
075	Dec 18	SB0737	PN1188	Immediately	Compliance checks for extension of expiration date relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages
076	Dec 18	SB1156	PN1576	January 1, 2008	Judicial Code (42 Pa.C.S.)—notice and hearing and disposition of dependent child
077	Dec 18	SB1100	PN1483	Immediately	Hazardous Sites Cleanup Fund Funding Act—enactment

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

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COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings for 2008:

Wednesday, February 27, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Thursday, February 28, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Tuesday, April 15, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) Omni William Penn, Pittsburgh, PA
Wednesday, April 16, 2008	Commission Meeting (9 a.m.—11:30 a.m.) Omni William Penn, Pittsburgh, PA
Wednesday, June 18, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Thursday, June 19, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Wednesday, August 20, 2008	Strategic Planning Session (9 a.m.—5 p.m.) Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Penn Stater Conference Center Hotel, State College, PA
Thursday, August 21, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Penn Stater Conference Center Hotel, State College, PA
Wednesday, October 22, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Thursday, October 23, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Harrisburg Hilton & Towers Harrisburg, PA
Wednesday, December 17, 2008	Dinner/Policy Meeting (6:30 p.m.—9 p.m.) The Union League of Philadelphia Philadelphia, PA
Thursday, December 18, 2008	Commission Meeting (9 a.m.—11:30 a.m.) The Union League of Philadelphia Philadelphia, PA

The evening dinner/policy meetings are scheduled from 6:30 p.m.—9 p.m. with the policy meeting beginning at 7:30 p.m. Meetings are open to the public. Direct any questions regarding Commission meetings to Mark H. Bergstrom, Executive Director at (814) 863-2797 or mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 08-2. Filed for public inspection January 4, 2008, 9:00 a.m.]

COMMISSION ON SENTENCING

[204 PA. CODE CH. 303]

Proposed Revisions to Sentencing Guidelines

The Pennsylvania Commission on Sentencing is hereby submitting proposed revisions to the sentencing guidelines for purposes of soliciting comments. Pursuant to 42 Pa.C.S. § 2155, prior to adoption of revised guidelines, the Commission is required to publish in the *Pennsylvania Bulletin* all proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford the following persons and organizations an opportunity to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) Pennsylvania Board of Probation and Parole
- (vii) Pennsylvania Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will be holding three public hearings to receive comments on the proposed revisions to the sentencing guidelines:

Pittsburgh	Allegheny County Courthouse Room 324 436 Grant Street Pittsburgh, PA <i>Friday, February 8, 2008 at 10 a.m.</i>
Philadelphia	Philadelphia Criminal Justice Center Room 1107 1301 Filbert Street Philadelphia, PA <i>Thursday, February 21, 2008 at 1 p.m.</i>
Harrisburg	Forum Building (Capitol Complex) Room 321 Commonwealth Avenue and South Drive Harrisburg, PA <i>Wednesday, February 27, 2008 at 1 p.m.</i>

Persons wishing to testify are asked to bring 30 copies of the written comments to the public hearing. Arrangements to testify may be made by contacting the Commission (Cathy Dittman at (814) 863-5729 or CWD2@PSU.EDU) in advance of the hearing. Written comments from persons not wishing to testify should be submitted *no later than Friday, February 15, 2008* to: Mark H. Bergstrom, Executive Director, Pennsylvania Commission on Sentencing, P. O. Box 1200, State College, PA 16804-1200.

The Commission will evaluate the proposed revisions after consideration of the testimony and comments received. Any amendments adopted by the Commission will be submitted to the General Assembly for review via

publication in the *Pennsylvania Bulletin*. Proposed amendments become effective 90 days after publication in the *Pennsylvania Bulletin* unless rejected by concurrent resolution of the General Assembly.

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 nine occasions, most recently in 2005. The current sentencing guidelines (6th Edition) became effective June 3, 2005 and apply to offenses committed on or after that date. The Commission herein proposes revisions to the 6th Edition sentencing guidelines in the following areas: assigning new offense gravity scores (OGS) to certain offenses; adding a law-abiding behavior requirement to the juvenile lapsing provision; expanding recommendations for consideration of state intermediate punishment; providing recommendations for the use of fines and community service as restorative sanctions as an initial response to the requirements contained in Act 2007-37; and correcting typographical errors and omissions identified in the 6th Edition sentencing guidelines.

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 current guidelines require the court to consider only the higher graded offense in circumstances where crimes merge for sentencing purposes. The Commission has proposed requiring the court to consider instead only the offense with the higher offense gravity score.

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. The Commission has proposed adding a reference to 'prior' judicial proceedings as a clarification and to make the text of these sections more consistent with that used in other sections.

In Section 303.6(c), the current guidelines provide a lapsing of certain juvenile adjudications if the offender is 28 years of age or older at the time the current offense was committed. The Commission has proposed including requirement for a ten-year period of law-abiding behavior in order for this lapsing to occur. Law abiding behavior is defined as a period with no adjudications or convictions for misdemeanors or felonies, and no confinement related to prior adjudications or convictions for misdemeanors or felonies. While retaining the lapsing provision, this proposal takes into account the higher risk for re-offending by youthful offenders that persist in criminal activity. The ten-year period is linked both to the existing time period for lapsing (i.e., ten years past 18 years of age), as well as

the time period used in Pa.R.E. Rule 609 (Impeachment by Evidence of Conviction of Crime).

In Section 303.7, the current guidelines provide point assignments used in the prior record score calculation. Recent amendments to the Operating a Watercraft Under the Influence of Alcohol or a Controlled Substances statute provide greater alignment between the penalties for this offense and those for DUI. The Commission has proposed extending the DUI point values to Operating a Watercraft Under the Influence.

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 303.9, the current guidelines provide general recommendations for sentencing. The Commission has proposed adding to this section a reference to the proposed recommendation for fines and community service, as well as expanding the discussion of DUI sentencing provisions to include Operating a Watercraft Under the Influence.

In Section 303.11, the current guidelines provide a 30 month minimum sentence threshold for targeting the use of intermediate punishments: offenders with a minimum sentence recommendation of less than 30 months are recommended for county intermediate punishment, and those with a minimum sentence recommendation of 30 months or greater are recommended for state intermediate punishment. The Commission has proposed a change that would place greater emphasis on recommended place of confinement for targeting the use of intermediate punishments, to promote greater consideration of these options at both the state and county level. The Commission has proposed consideration of county intermediate punishment when the individual or aggregate minimum sentence recommendation includes confinement in a county facility, and consideration of state intermediate punishment when the individual or aggregate minimum sentence recommendation includes confinement in a state facility.

In Section 303.12, the current guidelines provide recommendations for three sentencing programs: county intermediate punishment, state motivational boot camp and state intermediate punishment. The Commission has proposed adding language to better distinguish between county and state intermediate punishment programs, and to incorporate amendments to the county intermediate punishment statute relating to qualified restrictive intermediate punishments (Act 2007-27).

In Section 303.13, the current guidelines define the minimum confinement ranges for aggravated and mitigated sentences. The Commission has proposed adding provisions to define the fines and community service ranges for aggravated and mitigated sentences at Level 1 and Level 2 of the sentencing guidelines.

In Section 303.14, the current guidelines provide recommendation for three categories of economic sanctions: fines, costs and fees, and restitution. Pursuant to Act 2007-37 (SB 116, PN1323), the Commission is required to adopt guidelines for fines and other lawful economic sanctions, and to prescribe community service alternatives which may be imposed in lieu of fines. The Commis-

sion is undertaking a comprehensive study of the use of fines and other economic sanctions as part of this effort, with particular focus on the imposition and collection of fines in recent years. However, as an initial response to the mandate of Act 37, the Commission has advanced a proposal, limited to Level 1 and Level 2 of the sentencing guidelines, which provides structured sentencing recommendations for the use of fines and/or community service as restorative sanctions without confinement.

In order to avoid concerns regarding an offender's ability to pay, the Commission used community service hours as the starting point for its recommendations, since community service could be ordered without consideration of ability to pay. The proposal links the number of hours of community service recommended to the existing guideline recommendations, so that those offenders with more serious offenses or more extensive criminal history are recommended for more hours of community service. At Level 1, which targets the least serious offenders, the current sentence recommendation is exclusively RS; for these cells, the community service recommendation is 25-50 hours. At Level 2, where the sentence recommendation contains a range that includes RS and a minimum period of confinement, the number of hours of community service is increased by increments of 25 hours (e.g., RS-1 = 50-75 hours; RS-2 = 75-100 hours).

If the court determines the offender does have the ability to pay, and the court chooses to impose a fine, the proposal uses the community service recommendation to determine the fines recommendation. The proposal contains a sliding scale, in which the fine is determined by multiplying the number of hours that would otherwise have been ordered as community service by the offender's hourly wage, with the state minimum wage serving as the default. This approach maintains the proportionality of the sanction (i.e., increased hours for more serious offenders) while scaling the fine to the offender's income. It also provides the court with a credible sole-sanction for lower-level offenders. Based on experiences in other jurisdictions, the scaling of fines to ability to pay leads to higher compliance rates and increased overall collections.

Revisions to Section 303.15—Offense listing

The Commission has proposed changes to this section that reflect assignments for recently enacted or amended statutes, as well as changes to assignments based on comments received. In several cases, the modifications correct errors identified in the 6th Edition sentencing guidelines. Details are as follow:

Title 18

New offenses: Terrorism (2717), Trafficking of persons (3002), Conduct relating to sex offenders (3130), Ecoterrorism (3311), Destruction of a survey monument (3312), VUFA/Person not to possess (6105), VUFA/Penalties for release of information (6108.5), Commemorative service demonstration activities (7517).

Amended offenses: Indecent assault (3126), Failure to register, etc. (4915), Unlawful contact or communication with minor (6318).

Corrections (6th Edition errors/omissions): Use or possession of electric or electronic incapacitation device (908.1), Aggravated assault (2702), Aggravated indecent assault (3125), Theft by receiving stolen property (3925), VUFA/Person not to possess (6105).

Title 23

New offenses: Penalties for failure to report child abuse (6319).

Title 30

Amended offenses: Operating watercraft under the influence (5502), Homicide by watercraft while operating under the influence (5502.1), Homicide by watercraft (5502.2), Aggravated assault by watercraft while under the influence (5502.3).

Title 35

Corrections (6th Edition errors/omissions): Acquisition of controlled substance by fraud: MDMA, Marijuana (780-113(a)(12)), Delivery by practitioner: MDMA, Marijuana (780-113(a)(14)), Possession with intent to deliver, etc.: MDMA, Marijuana (780-113(a)(30)).

Title 75

Amended offenses: Fleeing or attempting to elude a police officer (3733).

Corrections (6th Edition errors/omissions): Accidents involving death or personal injury (3742), Ignition interlock (3808).

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 **assigned the higher offense gravity score.**

(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. Revised sets of guidelines became effective August 12, 1994, [**and**] June 13, 1997 **and June 3, 2005.**

(d) In every case in which 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 a court of record imposes a sentence outside the sentencing guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

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

(b) If there are multiple offenses in the **prior** 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 prior 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 **and if a period of more than ten years has elapsed since the date of the most recent prior conviction or adjudication for a felony or misdemeanor, or if a period of more than ten years has elapsed since the release of the offender from the confinement imposed for any prior conviction or adjudication for a felony or misdemeanor, whichever is the later date.**

(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

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).

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 (complainant is less than 13 years of age)

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

Corruption of Minors (of a sexual nature)

Unlawful contact or communication with minor

Driving Under the Influence of Alcohol or Controlled Substance, except for a first [offense] lifetime conviction or adjudication.

Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, except for a first lifetime conviction or adjudication.

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses, **including a first lifetime conviction for Driving Under the Influence of Alcohol or a Controlled Substance or Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance**, 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 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).

(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.

§ 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. **Recommendations related to fines and community service are found at § 303.14(a).** 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 misdemeanors) 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) *Operating a Watercraft or Driving Under the Influence.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under **30 Pa.C.S. § 5502 (Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance)** or 75 Pa.C.S. § 3802 (Driving Under the Influence of Alcohol or Controlled Substance). The court may use a Qualified Restrictive Intermediate Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement **as provided by law.**

§ 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:

(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 1,000 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.]** When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, state intermediate punishment should be considered in lieu of confinement for an eligible offender. 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). 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))

(also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(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). 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 Intermediate Punishment (see § 303.12(a) for eligibility criteria)

Restorative Sanctions (§ 303.9(f))

(also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(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 Intermediate Punishment, 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 state or county intermedi-

ate 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 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 [**an**] a 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 **or county** 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).

Partial confinement in a county facility.

County 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 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 **or county** 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 **or county** 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).

Partial confinement in a county facility.

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

§ 303.12. Guideline sentence recommendations: sentencing programs.

(a) *County intermediate punishment (CIP).*

(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, § 9773 and Chapter 98.

204 Pa. Code § 303.8 and § 303.9.

(ii) Sentence recommendations which include an option of County Intermediate Punishment 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) **County [Intermediate] intermediate** punishments classifications. In order to incorporate **county** intermediate punishment programs into the sentencing levels, the Commission has classified **county** intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific **county** 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 convictions [**under 75 Pa.C.S. § 3802 ()** relating to **Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, Driving While Operating Privilege is Suspended or Revoked, and Driving Under the Influence of Alcohol or Controlled Substance ()**]; the Commission has classified these programs as Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. 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 **county** 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 Bureau of Drug and Alcohol Programs (BDAP) or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the 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 Qualified Restrictive Intermediate Punishment in lieu of incarceration for certain convictions under 75 Pa.C.S. § 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, Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under **30 Pa.C.S. § 5502(c.1) for a first, second or third offense under 30 Pa.C.S. § 5502, 75 Pa.C.S. § [3802] 1543(b), former 75 Pa.C.S. § 3731, or 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38.**

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

(A) if the defendant is determined to be in need of drug and alcohol treatment, **and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, or 75 Pa.C.S. § 3804,** a sentence to **county** intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance; [or]

3. a partial confinement program such as work release, a work camp or a halfway facility[.]; or

4. any combination of Qualified Restrictive Intermediate Punishment programs.

(B) if the defendant is determined not to be in need of drug and alcohol treatment, **or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1),** a sentence to **county** 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 (BC).**

(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 (SIP).**

(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 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. **When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours 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. **When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours 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 electronically transmitted to the Commission on Sentencing in the manner described in § 303.1(e).

§ 303.14. Guideline sentence recommendations—economic sanctions.

(a) *Fines.*

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

(4) *Fines/Community Service Guidelines.* The following guidelines shall be considered by the court when ordering fines or community service as a Restorative Sanction without confinement. Community service, when ordered, is imposed as a condition of probation. A fine, when ordered, is imposed as a non-confinement sentencing alternative or as a condition of probation. The fines guidelines are determined by multiplying the number of hours recommended by the offender's hourly wage or the current minimum wage, whichever is higher, but may not exceed the statutory maximum fine authorized by law

a. OGS 1

i. PRS 0	25 hours-50 hours
ii. PRS 1	50 hours-75 hours
iii. PRS 2	75 hours-100 hours
iv. PRS 3	100 hours-125 hours
v. PRS 4	125 hours-150 hours
vi. PRS 5	150 hours-175 hours

b. OGS 2

i. PRS 0	25 hours-50 hours
ii. PRS 1	75 hours-100 hours
iii. PRS 2	100 hours-125 hours
iv. PRS 3	125 hours-150 hours
v. PRS 4	150 hours-175 hours

c. OGS 3

i. PRS 0	50 hours-75 hours
ii. PRS 1	150 hours-175 hours
iii. PRS 2	225 hours-250 hours
iv. PRS 3	300 hours-325 hours

d. OGS 4

i. PRS 0	100 hours-125 hours
ii. PRS 1	225 hours-250 hours
iii. PRS 2	300 hours-325 hours

e. OGS 5

i. PRS 0	225 hours-250 hours
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(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

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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	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
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	4	m
910 (b)(2)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (second offense or 10-50 devices)	F3	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	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	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
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	4
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

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
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	[4] 3
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, etc.)	18 Pa.C.S. § 905	10	3
2702 (a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	[4] 3
2702 (a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
2702 (a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2	8	2
2702 (a)(5)	Aggravated Assault (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	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
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 (c)(1)	Stalking (first offense)	M1	3	m
2709.1 (c)(2)	Stalking (second/subsequent offense or prior crime of violence)	F3	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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
2717 (b)(1)*	Terrorism (if the violent offense is an M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an M2)	M1	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an M1)	F3	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an F3 or ungraded felony)	F2	one point higher than object offense	See § 303.7(a)
2717 (b)(1)*	Terrorism (if the violent offense is an F2)	F1	one point higher than object offense	See § 303.7(a)
2717 (b)(2)	Terrorism (if the violent offense is an F1)	F1	14	4
2901	Kidnapping	F1	10	4
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
3002 (a)	Trafficking of persons (knowingly traffics or attempts to traffic)	F2	9	2
3002 (a)	Trafficking of persons (knowingly traffics or attempts to traffic/SBI)	F1	10	3
3002 (a)	Trafficking of persons (knowingly traffics or attempts to traffic/victim under 18 years of age)	F1	10	3
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3123 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
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	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	4
3125 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault	18 Pa.C.S. § 905	10	3
3125 (b)	Aggravated Indecent Assault (child)	F1	12	4
3125 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault (child)	18 Pa.C.S. § 905	11	3
3126 (a)(1) [(-6), (8)]	Indecent Assault (without consent)	M2	4	m
3126 (a)(2)	Indecent Assault (forcible compulsion)	M1	5	1
3126 (a)(3)	Indecent Assault (threat of forcible compulsion)	M1	5	1
3126 (a)(4)	Indecent Assault (complainant unconscious)	M1	5	1
3126 (a)(5)	Indecent Assault (substantially impaired complainant)	M1	5	1
3126 (a)(6)	Indecent Assault (complainant suffers mental disability)	M1	5	1
3126 (a)(7)	Indecent Assault [(child <13 years)] (complainant less than 13 years of age)	M1	5	1
3126 (a)(7)	Indecent Assault (complainant less than 13 years of age; second/subsequent offense)	F3	6	1
3126 (a)(7)	Indecent Assault (complainant less than 13 years of age; course of conduct)	F3	6	1
3126 (a)(7)	Indecent Assault (complainant less than 13 years of age; touching of sexual/intimate parts with sexual/intimate parts)	F3	6	1

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3126 (a)(8)	Indecent Assault (complainant less than 16 years of age)	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
3130 (a)(1)	Conduct relating to sex offenders (withholds information)	F3	5	1
3130 (a)(2)	Conduct relating to sex offenders (harbors or attempts to harbor)	F3	5	1
3130 (a)(3)	Conduct relating to sex offenders (conceals or attempts to conceal)	F3	5	1
3130 (a)(4)	Conduct relating to sex offenders (provides false information)	F3	5	1
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	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
3304	Criminal Mischief (over \$150 under (a)(4))	M3	1	m

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
3311 (b)(1)	Ecoterrorism (if the specified offense against property is a summary offense)	M3	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an M2)	M1	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an M1)	F3	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an F3 or ungraded felony)	F2	one point higher than object offense	See § 303.7(a)
3311 (b)(2)*	Ecoterrorism (if the specified offense against property is an F2)	F1	one point higher than object offense	See § 303.7(a)
3311 (b)(2)	Ecoterrorism (if the specified offense against property is an F1)	F1	14	4
3312 (a)(2)	Destruction of survey monument (willfully or maliciously removes any survey monument or marker in order to call into question a boundary line)	M2	3	m
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
3701 (a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	4
3701 (a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	9	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 of 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	4
3921	Theft by Unlawful Taking or Disposition (during disaster or firearm)	F2	8	2
3921*	Theft by Unlawful Taking or Disposition (over \$100,000)	F3	8	1

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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 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
3922*	Theft by Deception (over \$2,000 to \$25,000, or if the property is an 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

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3923*	Theft by Extortion (over \$2,000 to \$25,000, or if the property is an 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 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
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 if receiver in business of buying/selling)	F2	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

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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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 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; firearm if receiver not in business of buying/selling)	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) ^o	M3	1	m
3926	Theft of Services (firearm)	F2	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 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
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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 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	8	2
3928	Unauthorized Use of Auto	M2	2	m
3929	Theft, Retail (during disaster)	F2	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
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
3931	Theft of Unpublished Dramas and Musical Compositions (over \$2,000)	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 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
3934 (b)(1)(i)	Theft from a motor vehicle (less than \$50)	M3	1	m
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
4105 (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)	Access device fraud (\$500 or more)	F3	5	1
4106 (c)(1)(ii)	Access device fraud (\$50 or more but less than \$500)	M1	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
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

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
4119 (c)(1)	Trademark Counterfeiting	M1	3	m
4119 (c)(2)	Trademark Counterfeiting	F3	5	1
4119 (c)(3)	Trademark Counterfeiting	F2	7	2

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
4120 (c)(1)(i)	Identity theft (total value < \$2000)	M1	3	m
4120 (c)(1)(ii)	Identity theft (total value \$2,000 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 \$2,000 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	9	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 Authorities (falsely incriminating another)	M2	2	m

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4906 (a)	False Reports to Law Enforcement Authorities (during a state of emergency)	M1	3	m
4906 (b)	False Reports to Law Enforcement Authorities (fictitious reports)	M3	1	m
4906 (b)	False Reports to Law Enforcement Authorities (fictitious reports during a state of emergency)	M2	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
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 3rd and subsequent offense)	[F3] F1	[5] 11	[1] 4
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 3rd and subsequent offense)	[F3] F1	[5] 10	[1] 3
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 2nd offense)	[M1] F1	[3] 10	[m] 3
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 2nd offense)	[M2] F2	[2] 8	[m] 2
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime)	[M2] F2	[2] 8	[m] 2
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year)	[M3] F3	[1] 6	[m] 1
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 3rd and subsequent offense)	[F3] F1	[5] 11	[1] 4
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 3rd and subsequent offense)	[F3] F1	[5] 10	[1] 3
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd offense)	[M1] F1	[3] 10	[m] 3
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd offense)	[M2] F2	[2] 8	[m] 2

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4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)	[M2] F2	[2] 8	[m] 2
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)	[M3] F3	[1] 6	[m] 1
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)	[F3] F1	[5] 10	[1] 3
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (10-year)	[F3] F2	[2] 8	[m] 2
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1	11	4
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
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

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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
5123 (a)	Contraband (provide controlled substance to confined person)	F2	7	2
5123 (a.2)	Contraband (possession of controlled substance by confined person)	F2	7	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
5506	Loitering and Prowling	M3	1	m
5507	Obstructing Highways	M3	1	m
5508	Disrupting Meetings	M3	1	m

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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)	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.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
5902 (a.1)(4)	Prostitution (HIV or AIDS related)	F3	7	1
5902 (c)(1)	Promoting Prostitution	F3	5	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3	8	1
5902 (c)(2)	Promoting Prostitution	M2	3	m
5902 (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	F3	5	1
5903	Obscene Materials	F2	7	2
5904	Public Exhibition of Insane or Deformed Person	M2	2	m
6105 (a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of felony, loaded or ammunition in possession or control of defendant)	F2	10	2
6105 (a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of felony, unloaded and ammunition not in possession or control of defendant)	F2	9	2
6105 (a.1)(2)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (failure to relinquish firearm, person subject to active PFA, loaded or ammunition in possession or control of defendant)	M1	5	1
6105 (a.1)(2)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (failure to relinquish firearm, person subject to active PFA, unloaded and ammunition not in possession or control of defendant)	M1	4	1
6105 (a.1)(3)*	Person not to possess, use, manufacture, control, sell or transfer firearms (accept firearm from person subject to active PFA, loaded or ammunition in possession or control of defendant)	M3	2	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
6105 (a.1)(3)*	Person not to possess, use, manufacture, control, sell or transfer firearms (accept firearm from person subject to active PFA, unloaded and ammunition not in possession or control of defendant)	M3	1	m
6105 (a.1)(5)*	Person not to possess, use, manufacture, control, sell or transfer firearms (return firearm to person with active PFA, loaded or ammunition in possession or control of defendant)	M1	6	1
6105 (a.1)(5)*	Person not to possess, use, manufacture, control, sell or transfer firearms (return firearm to person with active PFA, loaded and ammunition not in possession or control of defendant)	M1	5	1
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible; loaded or ammunition in possession or control of defendant)	F3	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	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
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
6108.5	Penalties for release of information (list of any firearm or other weapon or ammunition ordered to be relinquished)	M3	1	m
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

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

INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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	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
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

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INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
6310.3	Carrying False ID (subsequent offense)	M3	1	m
6311	Tattooing 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 (photographing, etc.)	F2	7	2
6312 (c)	Sexual Abuse of Children (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] F3)	[M1] F3	[3] 6	1
6318	Unlawful contact or communication with minor (if underlying offense is [M1] F3 or greater)	same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
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
6910	Unauthorized Sale of Tickets	M3	1	m

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<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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

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INCHOATE = Inchoates to 4 point offense. See 303.7(a).

<i>18 Pa.C.S. §</i>	<i>OFFENSE TITLE</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
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
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
7517	Commemorative service demonstration activities	M3	1	m
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

* = Subcategorized Offenses. See 303.3(b).
m = Other Misdemeanor Offenses. See 303.7(a)(5).
INCHOATE = Inchoates to 4 point offense. See 303.7(a).

MISCELLANEOUS OFFENSES

(Chop Shop, Crime Victims, *Child Abuse Reporting*, 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
23 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6319	Penalties for failure to report or to refer (suspected child abuse)—first violation	M3	2	m
6319	Penalties for failure to report or to refer (suspected child abuse)—second or subsequent violation	M2	3	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 Order, etc.	M3	1	m
691.1—691.1001	CLEAN STREAMS LAW			
	Violation of Act; DER Order	M3	1	m
4001—4015	AIR POLLUTION CONTROL ACT			
	Knowingly Releases Hazardous Air Pollutant	F1	9	1
	Violation of Act; DER Order	M2	2	m
	Negligently Releases Hazardous Air Pollution	M3	1	m
721.1—721.17	SAFE DRINKING WATER ACT			
	Knowingly Introduces Contaminant Into Public Water	M1	3	m
	Violation of Act; DER Order	M3	1	m

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

BOATS AND BOATING

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502	Operating watercraft under influence of alcohol or controlled substance (See mandatory provision § 303.9 (i))			See § 303.7(a)
5502 (a)(1)	(incapable of safe operation; first offense)	M	1	m
5502 (a)(1)	(incapable of safe operation; second offense)	M	1	1
5502 (a)(1)	(incapable of safe operation; third/subsequent offense)	M2	3	1
5502 (a)(1)	(refuse testing; first offense)	M	1	m
5502 (a)(1)	(refuse testing; second offense)	M1	5	1
5502 (a)(1)	(refuse testing; third/subsequent offense)	M1	5	1
5502 (a)(1)	(accident; first offense)	M	1	m
5502 (a)(1)	(accident; second offense)	M	1	1
5502 (a)(1)	(accident; third offense)	M1	5	1
5502 (a)(1)	(accident; fourth/subsequent offense)	M1	5	1
5502 (a)(2)	(BAC .08 — < .10; first offense)	M	1	m
5502 (a)(2)	(BAC .08 — < .10; second offense)	M	1	1
5502 (a)(2)	(BAC .08 — < .10; third/subsequent offense)	M2	3	1
5502 (a.1)	(BAC .10 — < .16; first offense)	M	1	m
5502 (a.1)	(BAC .10 — < .16; second offense)	M	1	1
5502 (a.1)	(BAC .10 — < .16; third offense)	M1	5	1
5502 (a.1)	(BAC .10 — < .16; fourth/subsequent offense)	M1	5	1
5502 (a.2)	(BAC .16 +; first offense)	M	1	m
5502 (a.2)	(BAC .16 +; second offense)	M1	5	1
5502 (a.2)	(BAC .16 +; third/subsequent offense)	M1	5	1
5502 (a.3)	(controlled substance; first offense)	M	1	m
5502 (a.3)	(controlled substance; second offense)	M1	5	1
5502 (a.3)	(controlled substance; third/subsequent offense)	M1	5	1
5502 (a.4)	(under 21 years of age; first offense)	M	1	m
5502 (a.4)	(under 21 years of age; second offense)	M	1	1
5502 (a.4)	(under 21 years of age; third offense)	M1	5	1
5502 (a.4)	(under 21 years of age; fourth/subsequent offense)	M1	5	1
5502.1	Homicide by watercraft while operating under influence (See mandatory provision § 303.9 (i))	F3	10	1
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M1	8	1

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M1	6	1
5502.3	Aggravated assault by watercraft while operating under influence	F2	7	2

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 1,000g)	F	11	3
	Heroin (50g to < 100g)	F	10	3
	Heroin (10g to < 50g)	F	8	2
	Heroin (1g to < 10 g)	F	7	2
	Heroin (< 1g)	F	6	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to < 100g)	F	10	3
	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)] (1,000 pills or greater)	F	10	3

* = Subcategorized Offenses. See 303.3(b).

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

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

* = Subcategorized Offenses. See 303.3(b).
 m = Other Misdemeanor Offenses. See 303.7(a)(5).

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 (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)] (1,000 pills or greater)	F	10	3
	MDMA (Ecstasy) (Schedule I, non-narcotic) (100 - < 1000 pills)	F	7	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (50 - < 100 pills)	F	5	2
	MDMA (Ecstasy) (Schedule I, non-narcotic) (1 - < 50 pills)	F	3	2
	Narcotic Prescription Pills of Schedule II (> 100 pills) (including Oxycodone, OxyContin, Percocet)	F	10	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 (> 1,000 lbs. [or greater] or > 5,000 [or more] live plants)	F	10	3
	Marijuana (50 lbs. to [<] 1,000 lbs. or 51 to [<] 5,000 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
(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

* = Subcategorized Offenses. See 303.3(b).

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

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

* = Subcategorized Offenses. See 303.3(b).
m = Other Misdemeanor Offenses. See 303.7(a)(5).

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	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 (>1,000 lbs. [or greater] or > 5,000 [or more] live plants)	F	10	3
	Marijuana (50 lbs. to [<] 1,000 lbs. or 51 to [<] 5,000 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	5	2
(36)	Designer Drugs	F	5	2
(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

* = Subcategorized Offenses. See 303.3(b).
m = Other Misdemeanor Offenses. See 303.7(a)(5).

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
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

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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) (See mandatory provision § 303.9 (i))	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) (See mandatory provision § 303.9 (i))	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
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident; occurs in active work zone)	F3	10	1
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident)	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)	F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	F3	6	1
3733 (a.2)(1)	Fleeing or Eluding Police (willfully fails or refuses to bring vehicle to a stop)	M2	2	m
3733 (a.2)(2)	Fleeing or Eluding Police (also commits violation of Section 3802, crosses State line, or endangers by engaging in high-speed chase)	F3	5	1

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3735	Homicide by Vehicle while DUI (See mandatory provision § 303.9 (i))	F2	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) (injury)	M1	3	m
3742 (b)(2)	Accident Involving Death or Personal Injury (failure to stop) (accident resulting in SBI) (See mandatory provision § 303.9 (i))	F3	5	1
3742 (b)(3)	Accident Involving Death or Personal Injury (failure to stop) (accident resulting in death) (See mandatory provision § 303.9 (i))	F3	6	1
3742.1 (b)(1)	Accident involving death or personal injury while not properly licensed	M2	2	m
3742.1 (b)(2)*	Accident involving death or personal injury while not properly licensed (SBI)	F3	5	1
3742.1 (b)(2)*	Accident involving death or personal injury while not properly licensed (death)	F3	6	1
3743	Accident Involving Damage to Attended Vehicle	M3	1	m
3802	Driving under influence of alcohol or controlled substance (DUI) (See mandatory provision § 303.9 (i))			See § 303.7(a)
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

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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
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)(1)	Ignition interlock (illegally operate vehicle not equipped)	M	1	m
3808 (a)(2)	Ignition interlock (illegally operate vehicle not equipped; BAC .025 or greater) (See mandatory provision § 303.9 (i))	M3	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

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7135	Odometer Mileage Statement (1st or subsequent offense, subchapter D)	F3	4	1
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

OMNIBUS SCORES

(Offenses not otherwise listed)(New offenses)

OMNIBUS ASSIGNMENTS	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
Offenses not otherwise listed and new offenses:	F1	8	3
	F2	7	2
	F3	5	1
	FELONY NOT CLASSIFIED	5	1
	M1	3	m
	M2	2	m
	M3	1	m
	MISDEMEANOR NOT CLASSIFIED	1	m

§303.16. Basic Sentencing Matrix

		Prior Record Score									
Level	OGS	Example Offenses	0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
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	24-30 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
 CNTY = county
 INCAR = incarceration
 PWID = possession with intent to deliver
 REVOC = repeat violent offender category
 RFEL = repeat felony 1 and felony 2 offender category
 RIP = restrictive intermediate punishments
 RS = restorative sanctions
 SBI = serious bodily injury
 SL = statutory limit (longest minimum sentence)
 ~ = no recommendation (aggravated sentence would exceed statutory limit)
 <; > = less than; greater than

THE GENERAL ASSEMBLY

§303.17. DWE/Possessed Matrix

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				
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				
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

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