

# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VIII. CRIMINAL SENTENCING [ 204 PA. CODE CH. 303 ]

#### Proposed Revisions to Sentencing Guidelines

The Pennsylvania Commission on Sentencing is hereby submitting revised sentencing guidelines, 204 Pa. Code §§ 303.1—303.18, for public comment. These revisions are found in Annex A.

In accordance with 42 Pa.C.S.A. § 2155, the Commission shall 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 an opportunity for the following persons and organizations 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 the following public hearings to receive comments on the proposed revisions to the sentencing guidelines:

Reading	Berks County Courthouse 633 Court Street Reading, PA Thursday, May 17, 2012 at 1:30 p.m.
Carlisle	Penn State Dickinson School of Law 333 West South Street Carlisle, PA Monday, May 21, 2012 at 1:30 p.m.
State College	Penn State Dickinson School of Law Lewis Katz Building Park Avenue & Bigler Road University Park, PA Monday, May 21, 2012 at 1:30 p.m.
Philadelphia	Philadelphia Criminal Justice Center 1301 Filbert Street Philadelphia, PA Wednesday, May 23, 2012 at 1:30 p.m.
Pittsburgh	Allegheny County Courthouse 436 Grant Street Pittsburgh, PA Friday, June 1, 2012 at 1:30 p.m.

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, May 4, 2012 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.

SENATOR MARY JO WHITE,  
*Chair*

#### Commentary on Annex A

##### *Reasons for Revisions to Sentencing Guidelines*

Pennsylvania's initial sentencing guidelines became effective June 2, 1982 and were subsequently amended on ten occasions, most recently in 2008. The current sentencing guidelines (6th Edition, Revised) became effective December 5, 2008, and apply to all offenses committed on or after that date.

The Commission herein proposes revisions to the 6th Edition, Revised sentencing guidelines in the following areas: modification of Youth and School Enhancement; integration of Act 95 of 2010 and Walsh Act's (Act 111 of 2011) sex offense tiered structure and sexual violent predator status; assignment of new offense gravity scores to certain offenses or modified offenses; and correction of typographical errors and omissions in the 6th Edition, Revised sentencing guidelines.

##### *Revisions to 303.1—Sentencing guidelines standards*

The 6th Edition, Revised, Sentencing Guidelines were effective December 5, 2008. They are applicable to all offenses committed on or after that date.

##### *Revisions to 303.2—Procedure for determining the guideline sentence*

No changes.

##### *Revisions to 303.3—Offense gravity score—general*

Clarification on the assignment of an omnibus offense gravity score was added in 303.3(f).

##### *Revisions to 303.4—Prior record score—categories*

No changes.

##### *Revisions to 303.5—Prior record score—prior convictions*

No changes.

##### *Revisions to 303.6—Prior record score—prior juvenile adjudications*

No changes.

##### *Revisions to 303.7—Prior record score—guideline points scoring*

The following offenses were removed from 303.7(4), misdemeanor 1 offenses that involve danger to children, which are awarded one point for each prior conviction or adjudication: corruption of minors (of a sexual nature)

and unlawful contact or communication with a minor. These offenses are now felonies.

*Revisions to 303.8—Prior record score—miscellaneous*

No changes.

*Revisions to 303.9—Guideline sentence recommendation: general*

The Youth and School Enhancement is modified to correlate with established mandatory minimum sentences. It was subdivided into three parts: youth, school, and youth and school. An enhancement applies upon conviction. Six months are added to the lower limit and 12 months to the upper limit of the standard range for the youth enhancement. Twelve months are added to the lower limit and 24 months are added to the upper limit of the standard range for the school enhancement. Eighteen months are added to the lower limit and 36 months to the upper limit of the standard range for the youth and school enhancement. The court shall consider the applicable matrix in 303.17, related to youth, school, or youth and school.

*Revisions to 303.10—Guideline sentence recommendation: enhancements*

The school zone in the Youth and School Enhancement was reduced from 1,000 feet to 250 feet.

The Youth and School Enhancement was subdivided into three parts to reflect mandatory minimum sentences (see 303.9).

*Revisions to 303.11—Guideline sentence recommendation: sentencing levels*

As of November 24, 2011 changes in the place of confinement were effective in accordance with Act 81 of 2008. A sentence of confinement when the maximum sentence is 24 months or more is presumptively considered a state sentence and will be served in state prison. However, Level 4 of the Sentencing Guidelines may include sentences in which an offender will be housed in a county jail if the county jail is certified less than 110% of the rated capacity. Offenders sentenced to incarceration for the offense of driving under the influence and subject to the extended supervision of the court provision in Chapter 38 of the DUI Statute may serve their sentences in county jails.

*Revisions to 303.12—Guideline sentence recommendation: sentencing programs*

Edits are made to reflect updates in citations. Act 95 of 2010 replaced Title 42 with Title 61.

*Revisions to 303.13—Guideline sentence recommendation: aggravated and mitigated circumstances*

The lowest mitigated sentence recommendation is added for the Youth and School Enhancement: 6 months for the youth enhancement, 12 months for the school enhancement, and 18 months for the youth and school enhancement.

*Revisions to 303.14—Guideline sentence recommendations—economic sanctions*

No changes.

*Revisions to 303.15—Offense listing*

*Title 18*

*Inchoates:*

Inchoates are solicitation, conspiracy, or attempt of an offense and generally are assigned an offense gravity score one point lower than a completed offense. As noted

in the offense listing foot notes, inchoates apply to 4-point prior record scores. §§ 303.7(c) and 303.8(b) refer to inchoate offenses. Inchoate offenses are removed from the offense listing as they do not need to be explicitly listed. They remain in the SGS Web application and are automatically calculated. Deletions from listing under Title 18 include: 2503, 2506, 2507, 2605, 2702, 2901, 3121, 3123, 3125, 3301, 3502, 3701, 3702, and 4302.

*New offenses:*

2507(a)	First degree murder of law enforcement officer (and inchoates);
2507(b)	Second degree murder of law enforcement officer (and inchoates);
2507(c)	First degree manslaughter of law enforcement officer;
2507(d)	Second degree manslaughter of law enforcement officer;
2702.1	Assault of law enforcement officer;
3313(a)	Illegal dumping of methamphetamine waste;
3053(b.3)(1)(i)(iii)	Agricultural biosecurity area trespasser;
3701(a)(1)(vi)	Robbery;
3925	Theft by receiving stolen property (firearm) and receiver is in the business of buying and selling stolen property;
3929.3	Organized retail theft;
4913(a)	Impersonating a notary public or holder of professional occupational license;
5509(a.1)	Desecration, theft or sale of venerated objects;
7508.2(b)(1)(2)	Operation of methamphetamine laboratory.

*Amended / modified offense gravity score assignment:*

6110.2	Possession of firearm with altered manufacturer's number;
6301(a)(1)(iii)	Corruption of minors through course of conduct (when of a sexual nature).

*Corrections (6th Edition, Revised errors/omission):*

4915(a)(1)	Failure to register, sexual offender registration;
4915(a)(2)	Failure to verify address or be photographed, sexual offender registration;
5903(a)(6)	Obscene materials (victim 18 years of age or older);
6105(a.1)(1)	Persons not to possess, use, manufacture, control, sell, or transfer firearms;
6105(a.1)(5)	Person not to possess, use, manufacture, control, sell or transfer firearms;
6106(a)(2)	Firearms not to be carried without a license/eligible.

*Modified definition:*

2701	Simple assault;
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2910	Luring a child;	6301(a)(1)(i)	Corruption of minors;
3301(a)	Arson;	7507.1	Invasion of privacy.
3925	Theft by receiving stolen property and receiver is in the business of buying or selling stolen property;	<i>Modified offense gravity score, definition, and/or offense code based on Act 111 of 2011:</i>	
4906(a)(b)	False reports to law enforcement authorities;	2904	Interference with Custody of Children
5909(a)	Desecration, theft, or sale of venerated objects;	3122.1(a)(2)	Statutory Sexual Assault (victim <16 yrs/offender 8-<11 yrs older)
6105(a.1)(1)	Persons not to possess, use, manufacture, control, sell, or transfer firearms.	3124.2(a)	Institutional Sexual Assault (victim 18 yrs or older)
<i>Act 111 of 2011 (Walsh Act)</i>		3124.2(a.1)	Institutional Sexual Assault (victim <18 yrs)
Act 111 of 2011 (Walsh Act) assigns certain sexual offenses to one of three tiers. The Act created new offenses and subcategorized various existing offenses by age. The Commission took two actions to address the Walsh Act. First, any offense that falls under one of the three tiers identified in the Walsh Act is explicitly listed in the offense listing. Definition and offense codes are edited to reflect the Walsh Act. Second, the Commission created a floor for any Walsh Act offense. An offense included in a tier will be assigned a minimum of one point greater than the omnibus offense gravity score.		5902(b.1)	Promoting prostitution of minor (minor 16-<18 yrs);
<i>New offenses in Act 111 of 2011:</i>		5903(a)	Obscene materials (victim under 18 years of age);
3122.1(b)	Statutory sexual assault (victim <16 and offender 11 years or more older);	6312(b)(d)	Sexual abuse of Children;
3124.2(a.2)	Institutional sexual assault by school volunteer or employee;	7507.1	Invasion of privacy
3124.2(a.3)	Institutional sexual assault by child care volunteer or employee;	Further, the current registration-related offenses for 10-years and lifetime registration under Megan's Law will expire on December 19, 2012 in accordance with Act 111 of 2011. New offenses related to 15-year, 25-year, and lifetime registration will be effective December 20, 2012. It should be noted that if the effective date of the new sentencing guidelines is on or after December 20, 2012, the offenses of 18 § 4915(a)(1)(2)(3) may be removed from the offense list as they expire December 19, 2012. They are replaced by offenses in 18 § 4915.1(a)(1)(2)(3), (a.1)(1)(2), and (a.2)(1)(2) and are effective December 20, 2012.	
4915(a)(1)	Sexual offender registration, failure to register by transient or out of state offender (expires December 19, 2012);	<i>New offenses from Act 111 of 2011, effective December 20, 2012:</i>	
4915(a)(2)	Sexual offender registration, failure to verify address or be photographed, transient or out of state offender (expires December 19, 2012);	4915.1(a)(1)	Failure to register;
4915(a)(3)	Sexual offender registration, failure to provide accurate information, transient or out of state offender (expires December 19, 2012);	4915.1(a)(2)	Failure to verify address, be photographed;
4915(a.1)(1)(2)	Failure to comply with counseling.	4115.1(a)(3)	Failure to provide accurate information;
<i>Modified definition and/or offense code based on Act 111 of 2011 to allow for classification by tiers:</i>		4915.1(a.1)(1)	Failure to register, transient;
2901(a.1)	Kidnapping of a minor;	4915.1(a.1)(2)	Failure to verify address, be photographed, transient;
2902(b)	Unlawful restraint;	4115.1(a.1)(3)	Failure to provide accurate information, transient;
2903	False imprisonment;	4915.1(a.2)	Failure to comply with counseling.
3121	Rape;	<i>Title 30</i>	
3122.1(a)(1)	Statutory sexual assault;	<i>Modified statutory class:</i>	
3123	Involuntary deviate sexual intercourse;	5502.1	Homicide by watercraft while operating under the influence.
3125	Aggravated indecent assault;	<i>Title 35</i>	
3126(a)(7)	Indecent assault;	<i>New offenses:</i>	
4302	Incest;	780-113(a)(12)	Bath salts and synthetic marijuana;
5902(b.1)	Promoting prostitution of minor (minor <16 yrs);	780-113(a)(14)	Bath salts and synthetic marijuana;
		780-113(a)(30)	Bath salts and synthetic marijuana;
		780-113(a)(39)	Possession of ephedrine, pseudoephedrine, etc. with intent to manufacture methamphetamine;

- 780-113(a)(40) Sale at retail of any product containing ephedrine;
- 780-113.4(a)(1)(3) Operating a methamphetamine lab and illegal dumping of methamphetamine waste;
- 780-113.4(b)(1) Stores or disposes of substance used in manufacture of methamphetamine;
- Amended/modified definition and OGS assignment:*
- 780-113(a)(12) Other narcotics of Schedule I and II, cocaine, PCP, methamphetamine.
- 780-113(a)(14) Other narcotics of Schedule I and II, cocaine, PCP, methamphetamine.
- 780-113(a)(30) Other narcotics of Schedule I and II, cocaine, PCP, methamphetamine.

*Title 73**New offenses:*

- 517.8 Home improvement fraud;
- 2330.3 Computer spyware prohibitions;
- 2330.4 Computer spyware.

*Title 75**New offenses:*

- 3732 Homicide by vehicle when there is also a conviction for DUI arising from same incident and violation of § 3325 or § 3327;
- 3732(1.1) Homicide by vehicle when there is not a conviction for DUI arising from the same incident and there is a violation of § 3325 or § 3327;
- 3732.1 Aggravated assault by vehicle.

*Amended/modified OGS assignment:*

- 3735.1 Aggravated assault by vehicle while DUI.

*Revisions to 303.16—Basic Sentencing Matrix*

The example offenses related to PWID cocaine amounts were modified under OGS 6 and OGS 7 to reflect the new thresholds for subcategorization. Examples were modified under OGS 5 and OGS 3.

The example offense related to indecent assault under OGS 4 was modified to reflect M2.

*Revisions to 303.17—DWE/Possessed Matrix*

No changes.

*Revisions to 303.18—DWE/Used Matrix*

No changes.

*Addition of 303.19—Youth and school enhancement matrices.*

The enhancement was separated into three matrices to reflect the mandatory minimum sentences provided in statute. The mandatory minimums have notice provisions. An enhancement for violation of the drug act pursuant to 303.10(b) always applies upon conviction. One matrix applies to youth, one matrix applies to the school, and the third matrix applies to both youth and school enhancements.

**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 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, June 13, 1997 [ **and** ], June 3, 2005, **and December 5, 2008.**

(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 of the 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. **Where the definition of the crime is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score still applies.** 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 [ **previous** ] **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:

(i) The offender was 28 years of age or older at the time the current offense was committed; and

(ii) The offender remained crime-free during the ten-year period immediately preceding the offender's 28th birthday.

(iii) Crime-free. Included in the definition of crime-free is any summary offense and/or one misdemeanor offense with a statutory maximum of one year or less.

(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 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 court shall consider the applicable matrix in 303.17, related to youth, school, or youth and school. When applying the youth enhancement, **6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the school enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When both the youth and school enhancement is applied, 18 months are added to the bottom of the standard range and 36 months are added to the upper limit of the standard range.** 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). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision 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 misdemeanor) and 42 Pa.C.S. § 9755(b) and § 9756(b) (relating to sentence of partial and total confinement) or other applicable statute setting the maximum term of confinement, then the statutory limit is the longest guideline sentence recommendation. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum allowed by law.

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

(i) *Mandatory sentences for which county intermediate punishment is authorized.* 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), 75 Pa.C.S. § 1543(b) (Driving While Operating Privilege is Suspended or Revoked, Certain Offenses), 75 Pa.C.S. § 3802 (Driving Under the Influence of Alcohol or Controlled Substance) or 75 Pa.C.S. § [ 1543(b) ] 3808(a)(2) (Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock). 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 1000 feet of the real property on which is located a public or private elementary or secondary school** ], the court shall consider the range of sentences described in § 303.9(c).

(2) **When the court determines that the offender manufactured, delivered or possessed with intent to deliver a controlled substance within 250 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).**

(3) **When the court determines both (b)(1) and (b)(2) apply, the court shall consider the range of sentences described in § 303.9(c).**

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

[ (3) ] (5) 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 pro-



portionate 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. 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, county or 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 intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

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

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

Total confinement in a county facility under a [ state or ] county sentence [ (see 61 P. S. § 331.17) ] **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

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 **if the county facility is certified less than 110% of the rated capacity provision.** The standard range is defined as having a lower limit of incarceration of greater than 12 months but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a 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, **if the county facility is certified less than 110% of the rated capacity provision established in Act 81 of 2008,** 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) ] **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

Partial confinement in a county facility **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

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) ] if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

Partial confinement in a county facility **if the county jail is certified less than 110% of the rated capacity or the offense is a DUI and the offender is subject to the extended supervision of the court provision in Chapter 38 of the DUI statute.**

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 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 relating to Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, Driving While Operating Privilege is Suspended or Revoked, Driving Under the Influence of Alcohol or Controlled Substance and Illegally Operating a Motor Vehicle Not

Equipped with Ignition Interlock; 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. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38, or 75 Pa.C.S. § 3808(a)(2) Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock.

(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, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) 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;
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** ] **61 Pa.C.S. Chapter 39**

(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** ] **61 Pa.C.S. Chapter 41**.

(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 ben-

efit 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.

**(7) In no case where the Youth and School Enhancement is applied may the mitigated sentence recommendation be lower than 6 months for the youth enhancement, 12 months for the school enhancement, and 18 months for the youth and school enhancement.**

(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 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
- (b) *Costs and fees.*

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

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

(c) *Restitution*

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

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

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

## § 303.15. Offense Listing.

## CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
901	Criminal Attempt [ INCHOATE ]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal Solicitation [ INCHOATE ]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal Conspiracy [ INCHOATE ]	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing Instruments of Crime (criminal instruments)	M1	3	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 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 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 [ <b>more than</b> ] >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
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 to First Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder (No SBI)	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 to Second Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2502(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(c)	Murder, Third Degree	F1	14	4
2502(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2503	Manslaughter, Voluntary	F1	11	4
<b>[ 2503 INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Voluntary Manslaughter ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2504*	Manslaughter, Involuntary (when there is also a conviction for DUI or Operating a Watercraft Under the Influence arising from the same INCIDENT)	M1	8	1
2504*	Manslaughter, Involuntary (when there is not a conviction for DUI or Operating a Watercraft Under the Influence 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
<b>[ 2506 INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Drug Delivery Resulting in Death ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 12 ]</b>	<b>[ 4 ]</b>
2507(a)	<b>Murder, First Degree, law enforcement officer</b>	<b>Murder of the First Degree</b>	<b>18 Pa.C.S. § 1102(a)</b>	<b>4</b>
2507(a) INCHOATE	—Attempt/solicitation/conspiracy to First Degree Murder of law enforcement officer (SBI)	18 Pa.C.S. 1102(c)	14	4
2507(a) INCHOATE	—Attempt/solicitation/conspiracy to First Degree Murder of law enforcement officer (no SBI)	18 Pa.C.S. 1102(c)	13	4
2507(b)	<b>Murder, Second Degree, law enforcement officer</b>	<b>Murder of the Second Degree</b>	<b>18 Pa.C.S. § 1102(b)</b>	<b>4</b>
2507(b) INCHOATE	—Attempt/solicitation/conspiracy to Second Degree Murder of law enforcement officer (SBI)	18 Pa.C.S. 1102(c)	14	4
2507(b) INCHOATE	—Attempt/solicitation/conspiracy to Second Degree Murder of law enforcement officer (no SBI)	18 Pa.C.S. 1102(c)	13	4
2507(c)	<b>Manslaughter, First Degree, law enforcement officer</b>	<b>F1</b>	<b>14</b>	<b>4</b>
2507(d)	<b>Manslaughter, Second Degree, law enforcement officer</b>	<b>F2</b>	<b>9</b>	<b>2</b>
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 to First Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(a) INCHOATE	—Attempt/Solicitation/Conspiracy to First Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(b)	Murder, Second Degree, Unborn Child	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2604(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(b) INCHOATE	—Attempt/Solicitation/Conspiracy to Second Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(c)	Murder, Third Degree, Unborn Child	F1	14	4
2604(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder of Unborn Child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(c) INCHOATE	—Attempt/Solicitation/Conspiracy to Third Degree Murder of Unborn Child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2605	Manslaughter, Voluntary, of Unborn Child	F1	11	4
<b>[ 2605 INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Voluntary Manslaughter of Unborn Child ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
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(a)(1)	Simple Assault: <b>attempt or cause BI</b>	M2	3	m
270[ (b)(1) ](a)(1)	Simple Assault: <b>attempt or cause BI</b> (mutual consent)	M3	1	m
2701[ (b)(2) ](a)(1)	Simple Assault: <b>attempt or cause BI</b> (against child by adult)	M1	4	1
<b>2701(a)(2)</b>	<b>Simple Assault: negligently cause BI with deadly weapon</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>2701(a)(2)</b>	<b>Simple Assault: negligently cause BI with deadly weapon (mutual consent)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>2701(a)(2)</b>	<b>Simple Assault: negligently cause BI with deadly weapon (against child by adult)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
<b>2701(a)(3)</b>	<b>Simple Assault: fear SBI</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>2701(a)(3)</b>	<b>Simple Assault: fear SBI (mutual consent)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>2701(a)(3)</b>	<b>Simple Assault: fear SBI (against child by adult)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
<b>2701(a)(4)</b>	<b>Simple Assault: hypodermic needle penetrates</b>	<b>M2</b>	<b>3</b>	<b>m</b>
<b>2701(a)(4)</b>	<b>Simple Assault: hypodermic needle penetrates (mutual consent)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>2701(a)(4)</b>	<b>Simple Assault: hypodermic needle penetrates (against child by adult)</b>	<b>M1</b>	<b>4</b>	<b>1</b>
2702(a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	11	4
<b>[ 2702(a)(1)* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Aggravated Assault(causes SBI) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2702(a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)	F1	10	3
2702(a)(2)*	Aggravated Assault (causes serious bodily injury police, etc.)	F1	11	4
<b>[ 2702(a)(2)* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI to police, etc.) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 10 ]</b>	<b>[ 3 ]</b>
2702(a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	3
2702(a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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
<b>2702.1</b>	<b>Assault of law enforcement officer (discharging firearm)</b>	<b>F1</b>	<b>13</b>	<b>4</b>
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 to Assault by Life Prisoner (no SBI)	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
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/results in death)	Life	Life	4
2716(b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1	13	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



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2717(b)(1)	Terrorism (if the violent offense is an F2)	F1	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 M1)	F3	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 M3 or ungraded misdemeanor)	M2	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 (victim 18 yrs. or older)	F1	10	4
[ 2901* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Kidnapping (victim 18 yrs. or older) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
[ 2901* ]	[ Kidnapping (victim under 18 years of age) ]	[ F1 ]	[ 10 ]	[ 4 ]
[ 2901* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Kidnapping (victim under 18 years of age) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
2901(a.1)(1)*	Kidnapping of a minor: ransom/reward/shield (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(1)*	Kidnapping of a minor: ransom/reward/shield (victim <14 yrs.)	F1	10	4
2901(a.1)(2)*	Kidnapping of a minor: facilitate commission of felony (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(2)*	Kidnapping of a minor: facilitate commission of felony (victim <14 yrs.)	F1	10	4
2901(a.1)(3)*	Kidnapping of a minor: inflict BI, terrorize (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(3)*	Kidnapping of a minor: inflict BI, terrorize (victim <14 yrs.)	F1	10	4
2901(a.1)(4)*	Kidnapping of a minor: interfere gov official/function (victim 14—<18 yrs.)	F1	10	4
2901(a.1)(4)*	Kidnapping of a minor: interfere gov official/function (victim <14 yrs.)	F1	10	4
2902(b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1	3	m
2902(b)(1)	Unlawful restraint of minor: risk of SBI (victim <18 yrs.)	F2	8	2
2902(b)(2)	Unlawful restraint by parent (victim under 18 years of age)	F2	8	2
2902(b)(2)	Unlawful restraint of minor: invol. Servitude (victim <18 yrs.)	F2	8	2
2903[ (b)(1) ](a)	False imprisonment (victim 18 yrs. or older)	M2	2	m
2903(b)	False imprisonment of minor (victim <18 yrs.)	F2	[ 7 ] 8	2
2903[ (b)(2) ](c)	False imprisonment by parent (victim under 18 years of age)	F2	7	2
2904[ (c) ](a)	Interference with the Custody of Children	F3	[ 4 ] 6	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2904[ (c)(1) ](a)	Interference with the Custody of Children by <b>non-parent</b>	F2	[ 6 ] 8	2
2904[ (c)(2) ](a)	Interference with the Custody of Children, <b>good cause/partial custody</b>	M2	[ 2 ] 3	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(a)	Luring a Child into a Motor Vehicle <b>or structure</b>	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)(1)	Rape <b>by forcible compulsion</b>	F1	12	4
[ 3121(a) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Rape ]	[ 18 Pa.C.S. § 905 ]	[ 11 ]	[ 3 ]
3121[ (b) ](a)(1)	Rape <b>by forcible compulsion</b> (uses substance to impair victim)	F1	13	4
3121(a)(2)	Rape <b>by threat of forcible compulsion</b>	F1	12	4
3121(a)(2)	Rape <b>by threat of forcible compulsion</b> (uses substance to impair victim)	F1	13	4
3121(a)(3)	Rape and victim unconscious/unaware	F1	12	4
3121(a)(3)	Rape and victim unconscious/unaware (uses substance to impair victim)	F1	13	4
3121(a)(4)	Rape and victim substantially impaired	F1	12	4
3121(a)(4)	Rape and victim substantially impaired (uses substance to impair victim)	F1	13	4
3121(a)(5)	Rape and victim has mental disability	F1	12	4
3121(a)(5)	Rape and victim has mental disability (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(a)(1)	Statutory Sexual Assault (victim <16 yrs./offender 4—<8 yrs. older)	F2	7	2
3122.1(a)(2)	Statutory sexual assault (victim <16 yrs./offender 8—<11 yrs. older)	F2	[ 7 ] 8	2
3122.1(b)	Statutory sexual assault (victim <16 yrs./offender 11 yrs. or older)	F1	[ omnibus 8 ] 9	3
3123(a)(1)	Involuntary Deviate Sexual Intercourse by <b>forcible compulsion</b>	F1	12	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3123(a)(2)	<b>Involuntary deviate sexual intercourse by threat of forcible compulsion</b>	F1	12	4
3123(a)(3)	<b>Involuntary deviate sexual intercourse and victim unconscious/unaware</b>	F1	12	4
3123(a)(4)	<b>Involuntary deviate sexual intercourse and victim substantially impaired</b>	F1	12	4
3123(a)(5)	<b>Involuntary deviate sexual intercourse and victim has mental disability</b>	F1	12	4
3123(a)(7)	<b>Involuntary deviate sexual intercourse: victim &lt;16 yrs. and offender 4 yrs. or older and not married to each other</b>	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 <b>with a child</b> (child <13 yrs.)	F1	14	4
[ 3123(b) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse ]	[ 18 Pa.C.S. § 905 ]	[ 13 ]	[ 3 ]
3123(c)	Involuntary Deviate Sexual Intercourse <b>with a child</b> (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(a)	Institutional sexual assault (victim 18 yrs. or older)	F3	[ 5 ] 6	1
3124.2(a.1)	<b>Institutional sexual assault of a minor (victim &lt;18 yrs.)</b>	F3	[ 5 ] 6	1
3124.2(a.2)	<b>Institutional sexual assault by school volunteer or employee</b>	F3	[ omnibus 5 ] 6	1
3124.2(a.3)	<b>Institutional sexual assault by child care volunteer or employee</b>	F3	[ omnibus 5 ] 6	1
3125(a)(1)	Aggravated Indecent Assault <b>without consent</b>	F2	10	4
3125[ (b) ](a)(1)	Aggravated Indecent Assault <b>of a child without consent</b> (child <13 yrs.)	F1	12	4
[ 3125(a) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault ]	[ 18 Pa.C.S. § 905 ]	[ 10 ]	[ 3 ]
3125(a)(2)	<b>Aggravated indecent assault by forcible compulsion</b>	F2	10	4
3125(a)(2)	<b>Aggravated indecent assault of a child by forcible compulsion (child &lt;13 yrs.)</b>	F1	12	4
3125(a)(3)	<b>Aggravated indecent assault by threat of forcible compulsion</b>	F2	10	4
3125(a)(3)	<b>Aggravated indecent assault of a child by threat of forcible compulsion (child &lt;13 yrs.)</b>	F1	12	4
3125(a)(4)	<b>Aggravated indecent assault and victim unconscious/unaware</b>	F2	10	4
3125(a)(4)	<b>Aggravated indecent assault of a child and victim unconscious/unaware (child &lt;13 yrs.)</b>	F1	12	4
3125(a)(5)	<b>Aggravated indecent assault and victim substantially impaired</b>	F2	10	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3125(a)(5)	<b>Aggravated indecent assault of a child and victim substantially impaired (child &lt;13 yrs.)</b>	<b>F1</b>	<b>12</b>	<b>4</b>
3125(a)(6)	<b>Aggravated indecent assault and victim has mental disability</b>	<b>F2</b>	<b>10</b>	<b>4</b>
3125(a)(6)	<b>Aggravated indecent assault of a child and victim has mental disability (child &lt;13 yrs.)</b>	<b>F1</b>	<b>12</b>	<b>4</b>
3125(a)(7)	<b>Aggravated indecent assault and victim &lt;13 yrs</b>	<b>F2</b>	<b>10</b>	<b>4</b>
3125(a)(8)	<b>Aggravated indecent assault and victim &lt;16 yrs. and offender 4 yrs. or more older and not married to each other</b>	<b>F2</b>	<b>10</b>	<b>4</b>
[ 3125(b) INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault(child) ]	[ 18 Pa.C.S. § 905 ]	[ 11 ]	[ 3 ]
3126(a)(1)	Indecent Assault (without consent)	M2	4	m
3126(a)(2)	Indecent Assault (forcible compulsion)	M1	5	m
3126(a)(3)	Indecent Assault (threat of forcible compulsion)	M1	5	m
3126(a)(4)	Indecent Assault (complainant unconscious)	M1	5	m
3126(a)(5)	Indecent Assault (substantially impaired complainant)	M1	5	m
3126(a)(6)	Indecent Assault (complainant suffers mental disability)	M1	5	m
3126(a)(7)	Indecent Assault (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 <b>complainant's</b> sexual/intimate parts with sexual/intimate parts <b>of the person</b> )	F3	6	1
<b>3126(a)(7)</b>	<b>Indecent Assault (complainant less than 13 years of age; touching the person's sexual/intimate parts with sexual/intimate parts of the complainant)</b>	<b>F3</b>	<b>6</b>	<b>1</b>
3126(a)(8)	Indecent Assault (complainant less than 16 years of age)	M2	4	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
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

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3301(a)*	Arson Endangering Persons (where a person <b>other than the actor</b> is inside the <b>building or occupied</b> structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	[ 9 ] 10	4
[ 3301(a)* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to 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) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
3301(a)*	Arson Endangering Persons (where no person <b>other than the actor</b> is inside the <b>building or occupied</b> 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(a)* INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to 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) ]	[ 18 Pa.C.S. § 905 ]	[ 8 ]	[ 3 ]
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
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 F1)	F1	14	4
3311(b)(2)	Ecoterrorism (if the specified offense against property is an F2)	F1	one point higher than object offense	See § 303.7(a)

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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 M1)	F3	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 M3 or ungraded misdemeanor)	M2	one point higher than object offense	See § 303.7(a)
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
<b>3313(a)</b>	<b>Illegal dumping of methamphetamine waste</b>	<b>F3</b>	<b>5</b>	<b>1</b>
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense any person is present)	F1	9	4
<b>[ 3502* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Burglary(structure adapted for overnight accommodation, person present) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 8 ]</b>	<b>[ 3 ]</b>
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1	7	3
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1	6	3
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2	5	2
3503(a)(1)(i)	Trespass, Criminal	F3	3	1
3503(a)(1)(ii)	Trespass, Criminal	F2	4	2
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
<b>3503(b.3)(1)(i)</b>	<b>Agricultural biosecurity area trespasser (enters biosecurity area, not licensed or privileged)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>3503(b.3)(1)(iii)</b>	<b>Agricultural biosecurity area trespasser (causes damage or death to animal or plant)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
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
<b>[ 3701(a)(1)(i) INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Robbery (SBI) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 11 ]</b>	<b>[ 3 ]</b>
3701(a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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
<b>3701(a)(1)(vi)</b>	<b>Robbery (takes from financial institution without permission)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
3702*	Robbery of Motor Vehicle (inflicts serious bodily injury)	F1	12	4
<b>[ 3702* INCHOATE ]</b>	<b>[ —Attempt/Solicitation/Conspiracy to Robbery of a Motor Vehicle (SBI) ]</b>	<b>[ 18 Pa.C.S. § 905 ]</b>	<b>[ 11 ]</b>	<b>[ 3 ]</b>
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 ( <b>[ over ]</b> >\$100,000)	F3	8	1
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$50,000 to \$100,000)	F3	7	1
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition ( <b>[ over ]</b> >\$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 <b>[ less than ]</b> <\$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition ( <b>[ less than ]</b> <\$50)	M3	1	m
3922	Theft by Deception (firearm)	F2	8	2
3922*	Theft by Deception ( <b>[ over ]</b> >\$100,000)	F3	8	1
3922*	Theft by Deception ( <b>[ over ]</b> >\$50,000 to \$100,000)	F3	7	1
3922*	Theft by Deception ( <b>[ over ]</b> >\$25,000 to \$50,000)	F3	6	1
3922*	Theft by Deception ( <b>[ over ]</b> >\$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

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3923*	Theft by Extortion ( [ over ] >\$100,000)	F3	8	1
3923*	Theft by Extortion ( [ over ] >\$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion ( [ over ] >\$25,000 to \$50,000)	F3	6	1
3923*	Theft by Extortion ( [ over ] >\$2,000 to \$25,000, or if the property is an 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, Misaid, or Delivered by Mistake (firearm)	F2	8	2
3924*	Theft by Property Lost, Misaid, or Delivered by Mistake ( [ over ] >\$100,000)	F3	8	1
3924*	Theft by Property Lost, Misaid, or Delivered by Mistake ( [ over ] >\$50,000 to \$100,000)	F3	7	1
3924*	Theft by Property Lost, Misaid, or Delivered by Mistake ( [ over ] >\$25,000 to \$50,000)	F3	6	1
3924*	Theft by Property Lost, Misaid, 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 by Property Lost, Misaid, or Delivered by Mistake (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3924	Theft by Property Lost, Misaid, or Delivered by Mistake (\$200 to \$2,000)	M1	3	m
3924	Theft by Property Lost, Misaid, or Delivered by Mistake (\$50 to [ less than ] <\$200)	M2	2	m
3924	Theft by Property Lost, Misaid, or Delivered by Mistake ( [ less than ] <\$50)	M3	1	m
<b>3925</b>	<b>Theft by receiving stolen property (firearm) and receiver is in the business of buying or selling stolen property</b>	<b>F1</b>	<b>8</b>	<b>3</b>
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
3925*	Theft by Receiving Stolen Property ( [ over ] >\$25,000 to \$50,000)	F3	6	1



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3925*	Theft by Receiving Stolen Property ( [ <b>over</b> ] >\$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 [ <b>less than</b> ] <\$200)	M2	2	m
3925	Theft by Receiving Stolen Property ( [ <b>less than</b> ] <\$50)	M3	1	m
3926	Theft of Services (firearm)	F2	8	2
3926*	Theft of Services ( [ <b>over</b> ] >\$100,000)	F3	8	1
3926*	Theft of Services ( [ <b>over</b> ] >\$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services ( [ <b>over</b> ] >\$25,000 to \$50,000)	F3	6	1
3926*	Theft of Services ( [ <b>over</b> ] >\$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 ( [ <b>less than</b> ] <\$50)	M3	1	m
3926(e)	Theft of Services (sale ransfer 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 ( [ <b>over</b> ] >\$100,000)	F3	8	1
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$50,000 to \$100,000)	F3	7	1
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$25,000 to \$50,000)	F3	6	1
3927*	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>over</b> ] >\$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 [ <b>less than</b> ] <\$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received ( [ <b>less than</b> ] <\$50)	M3	1	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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 vehicle)	F3	5	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	Theft, Retail (third or subsequent conviction)	F3	3	1
3929.1	Library Theft (1st; 2nd over \$150)	M1	3	m
3929.1	Library Theft (2nd; less than \$150)	M2	2	m
3929.1	Library Theft (3rd; subsequent offense)	F3	5	1
3929.2	Unlawful possession of retail or library theft instruments	M1	3	m
<b>3929.3</b>	<b>Organized retail theft (merchandise value \$20,000 or more)</b>	<b>F2</b>	<b>7</b>	<b>2</b>
<b>3929.3</b>	<b>Organized retail theft (merchandise value \$5,000—\$19,999)</b>	<b>F3</b>	<b>6</b>	<b>1</b>
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions ([ <b>over</b> ] >\$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 [ <b>less than</b> ] <\$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions ([ <b>less than</b> ] <\$50)	M3	1	m
3932	Theft by Leased Property (firearm)	F2	8	2
3932*	Theft of Leased Property ([ <b>over</b> ] >\$100,000)	F3	8	1
3932*	Theft of Leased Property ([ <b>over</b> ] >\$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property ([ <b>over</b> ] >\$25,000 to \$50,000)	F3	6	1
3932*	Theft of Leased Property ([ <b>over</b> ] >\$2,000 to \$25,000, or if property is an automobile, airplane, motor-cycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3932	Theft of Leased Property (\$2,000 to 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 [ <b>less than</b> ] <\$200)	M2	2	m
3932	Theft of Leased Property ([ <b>less than</b> ] <\$50)	M3	1	m
3934(b)(1)(i)	Theft from a motor vehicle ([ <b>less than</b> ] <\$50)	M3	1	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3934(b)(1)(ii)	Theft from a motor vehicle (\$50 or more but less than \$200)	M2	2	m
3934(b)(1)(iii)	Theft from a motor vehicle ( [ <b>greater than</b> ] >\$200)	M1	3	m
3934(b)(2)	Theft from a motor vehicle (third/subseq. in 5 yrs.)	F3	6	1
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m
4102	Simulating Antiques	M1	3	m
4103	Fraudulent Destruction of Recordable Instruments	F3	5	1
4104(a)	Tampering with Records or Identification	M1	3	m
4105(c)(1)(ii)	Bad Checks (\$200—<\$500)	M3	1	m
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 or more)	F3	5	1
4105(c)(2)	Bad Checks (3rd or subseq./<\$75,000)	M1	3	m
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 ( [ <b>less than</b> ] <\$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; 60 yrs.+)	M1	3	m
4107.1	Deception Relating to Kosher Foods	M3	1	m
4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	F3	4	1
4108	Commercial Bribery and Breach of Duty	M2	2	m

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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 Devices in Motion Picture Theater (first violation)	M1	3	m
4116.1	Unlawful Operation of Recording Devices 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
4120(c)(1)(i)	Identity theft (total value <\$2000)	M1	3	m
4120(c)(1)(ii)	Identity theft (total value \$2000 or more)	F3	5	1
4120(c)(1)(iii)	Identity theft (criminal conspiracy, any amount)	F3	5	1
4120(c)(1)(iv)	Identity theft (third/subsequent offense)	F2	7	2
4120(c)(2)(i)	Identity theft (victim 60 yrs. or older, total value <\$2000)	F3	5	1
4120(c)(2)(ii)	Identity theft (victim 60 yrs. or older, total value \$2000 or more)	F2	7	2
4120(c)(2)(iii)	Identity theft (victim 60 yrs. or older, criminal conspiracy, any amount)	F2	7	2
4120(c)(2)(iv)	Identity theft (victim 60 yrs. or older, third/subsequent offense)	F1	8	3
4301	Bigamy	M2	3	m
4302(a)	Incest [ (victim 18 yrs. or older) ]	F2	9	4
[ 4302 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Incest (victim 18 yrs. or older) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
4302(b)(1)	Incest [ (victim 12 years of age or older but under 18 years of age) ] of a minor (victim <13 yrs.)	F2	9	4

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[ 4302 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Incest (victim 12 years of age or older but under 18 years of age) ]	[ 18 Pa.C.S. § 905 ]	[ 9 ]	[ 3 ]
4302(b)(2)	Incest [ (victim under 12 years of age) ] of a minor (victim 13 yrs.—18 yrs. and offender 4 yrs. or more older)	F2	9	4
[ 4302 INCHOATE ]	[ —Attempt/Solicitation/Conspiracy to Incest (victim under 12 years of age) ]	[ 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
<b>4906(a)</b>	<b>False Reports to Law Enforcement Authorities of theft or loss of firearm (falsely incriminating another)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
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
<b>4906(b)</b>	<b>False Reports to Law Enforcement Authorities of theft or loss of firearm (fictitious reports)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
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
<b>4913(a)</b>	<b>Impersonating a notary public or holder of professional occupational license</b>	<b>M2</b>	<b>2</b>	<b>m</b>
<b>4913(a)</b>	<b>Impersonating a notary public or holder of professional occupational license (harm, defraud, injury)</b>	<b>M1</b>	<b>3</b>	<b>m</b>

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4914	False identification to law enforcement authorities	M3	1	m
[ 4915(a)(1) ]	[ <b>Failure to Register, Sexual Offender Registration (Lifetime, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 11 ]	[ 4 ]
[ 4915(a)(1) ]	[ <b>Failure to Register, Sexual Offender Registration (10-year, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 10 ]	[ 3 ]
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (Lifetime, 2nd/ <b>subsequent</b> offense)	F1	10	3
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (10-year, 2nd/ <b>subsequent</b> offense)	F2	8	2
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (Lifetime)	F2	8	2
4915(a)(1) <sup>1</sup>	Failure to Register, Sexual Offender Registration (10-year)	F3	6	1
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (Lifetime)</b>	F2	[ 7 omnibus ] 8	2
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (Lifetime, 2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (10-year)</b>	F3	[ 5 omnibus ] 6	1
4915(a)(1) <sup>1</sup>	<b>Failure to Register, Sexual Offender Registration, transient or out of state (10-year, 2nd subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
[ 4915(a)(2) ]	[ <b>Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 11 ]	[ 4 ]
[ 4915(a)(2) ]	[ <b>Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 3rd and subsequent offenses) ]</b>	[ F1 ]	[ 10 ]	[ 3 ]
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd/ <b>subsequent</b> offenses)	F1	10	3
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd/ <b>subsequent</b> offenses)	F2	8	2
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)	F2	8	2
4915(a)(2) <sup>1</sup>	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)	F3	6	1
4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (Lifetime)</b>	F2	[ 7 omnibus ] 8	2
4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (Lifetime, 2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3

<sup>1</sup>Offenses will expire December 19, 2012. They will be replaced by 18 § 4915.1, included in this offense listing.

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4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (10-Year)</b>	F3	[ 5 omnibus ] 6	1
4915(a)(2) <sup>1</sup>	<b>Failure to Verify Address or be Photographed, Sexual Offender Registration, transient or out of state (10-Year, 2nd /subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
4915(a)(3) <sup>1</sup>	Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)	F1	10	3
4915(a)(3) <sup>1</sup>	Failure to Provide Accurate Information, Sexual Offender Registration (10-year)	F2	8	2
4915(a)(3) <sup>1</sup>	<b>Failure to provide accurate information, Sexual Offender Registration, transient or out of state (Lifetime)</b>	F1	[ 8 omnibus ] 10	3
4915(a)(3) <sup>1</sup>	<b>Failure to provide accurate information, Sexual Offender Registration, transient or out of state (10-year)</b>	F2	[ 7 omnibus ] 8	2
4915(a.1)(1) <sup>1</sup>	<b>Failure to comply with counseling (SVP)</b>	M1	[ 3 omnibus ] 5	m
4915(a.1)(2) <sup>1</sup>	<b>Failure to comply with counseling (other jurisdiction requires)</b>	M1	[ 3 omnibus ] 5	m
4915.1(a)(1) <sup>1</sup>	<b>Failure to register/15 yr. registration (1st offense)</b>	F3	[ 5 omnibus ] 6	1
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/15 yr. registration (2nd/subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/25 yr. registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/25 yr. registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/ lifetime registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(1) <sup>2</sup>	<b>Failure to register/ lifetime registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/15 yr. registration (1st offense)</b>	F3	[ 5 omnibus ] 6	1
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed /15 yr. registration (2nd/subsequent offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ 25 yr. registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ 25 yr. registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ lifetime registration (1st offense)</b>	F2	[ 7 omnibus ] 8	2
4915.1(a)(2) <sup>2</sup>	<b>Failure to verify address, be photographed/ lifetime registration (2nd/subsequent offense)</b>	F1	[ 8 omnibus ] 10	3
4915.1(a)(3) <sup>2</sup>	<b>Failure to provide accurate information/ 15 yr. registration</b>	F2	[ 7 omnibus ] 8	2

<sup>2</sup>18 § 4915.1 is effective December 20, 2012. These offenses replace offenses under 18 § 4915 which expire December 19, 2012.

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4915.1(a)(3) <sup>2</sup>	Failure to provide accurate information/ 25 yr. registration	F1	[ 8 omnibus ] 10	3
4915.1(a)(3) <sup>2</sup>	Failure to provide accurate information/ lifetime registration	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(1) <sup>2</sup>	Failure to register/15 yr. registration, transient (1st offense)	F3	[ 5 omnibus ] 6	1
4915.1(a.1)(1) <sup>2</sup>	Failure to register/15 yr. registration, transient (2nd/subsequent offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(1) <sup>2</sup>	Failure to register/25 yr. registration, transient (1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(1) <sup>2</sup>	Failure to register/25 yr. registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(1) <sup>2</sup>	Failure to register/lifetime registration, transient (1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(1) <sup>2</sup>	Failure to register/lifetime registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/15 yr. registration, transient (1st offense)	F3	[ 5 omnibus ] 6	1
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ 15 yr. registration, transient (2nd/subsequent offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ 25 yr. registration, transient (1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ 25 yr. registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ lifetime registration, transient(1st offense)	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(2) <sup>2</sup>	Failure to verify address, be photographed/ lifetime registration, transient (2nd/subsequent offense)	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(3) <sup>2</sup>	Failure to provide accurate information/ 15 yr. registration, transient	F2	[ 7 omnibus ] 8	2
4915.1(a.1)(3) <sup>2</sup>	Failure to provide accurate information/ 25 yr. registration, transient	F1	[ 8 omnibus ] 10	3
4915.1(a.1)(3) <sup>2</sup>	Failure to provide accurate information/ lifetime registration, transient	F1	[ 8 omnibus ] 10	3
4915.1(a.2)(1) <sup>2</sup>	Failure to comply with counseling (SVP)	M1	[ 3 omnibus ] 5	m
4915.1(a.2)(2) <sup>2</sup>	Failure to comply with counseling (other jurisdiction requires)	M1	[ 3 omnibus ] 5	m
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



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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
5104.1	Disarming Law Enforcement Officer	F3	5	1
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
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

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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
5509(a)	Desecration, <b>theft</b> , or sale of Venerated Objects	<b>M2</b>	2	m
<b>5509(a.1)</b>	<b>Desecration, theft, or sale of venerated objects (historical burial lots and burial places)</b>	<b>M1</b>	<b>3</b>	<b>m</b>
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
<b>5902(b.1)(1)*</b>	<b>Promoting Prostitution of minor: business (minor &lt;16 yrs.)</b>	<b>F3</b>	<b>8</b>	<b>1</b>
<b>5902(b.1)(1)*</b>	<b>Promoting Prostitution of minor: business (minor 16—&lt;18 yrs.)</b>	<b>F3</b>	<b>[ 5 ] 6</b>	<b>1</b>
<b>5902(b.1)(2)*</b>	<b>Promoting Prostitution of minor: procure for business (minor &lt;16 yrs.)</b>	<b>F3</b>	<b>8</b>	<b>1</b>
<b>5902(b.1)(2)*</b>	<b>Promoting Prostitution of minor: procure for business (minor 16—&lt;18 yrs.)</b>	<b>F3</b>	<b>[ 5 ] 6</b>	<b>1</b>

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5902(b.1)(3)*	Promoting Prostitution of minor: encourage or cause (minor <16 yrs.)	F3	8	1
5902(b.1)(3)*	Promoting Prostitution of minor: encourage or cause (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(4)*	Promoting Prostitution of minor: solicit prostitute who is minor (minor <16 yrs.)	F3	8	1
5902(b.1)(4)*	Promoting Prostitution of minor: solicit prostitute who is minor (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(5)*	Promoting Prostitution of minor: procure prostitute who is minor for patron (minor <16 yrs.)	F3	8	1
5902(b.1)(5)*	Promoting Prostitution of minor: procure prostitute who is minor for patron (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(6)*	Promoting Prostitution of minor: transport prostitute who is minor (minor <16 yrs.)	F3	8	1
5902(b.1)(6)*	Promoting Prostitution of minor: transport prostitute who is minor (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(7)*	Promoting Prostitution of minor: provide place for prostitution (minor <16 yrs.)	F3	8	1
5902(b.1)(7)*	Promoting Prostitution of minor: provide place for prostitution (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
5902(b.1)(8)*	Promoting Prostitution of minor: receive benefit (minor <16 yrs.)	F3	8	1
5902(b.1)(8)*	Promoting Prostitution of minor: receive benefit (minor 16—<18 yrs.)	F3	[ 5 ] 6	1
[ 5902(c)(1)(i),(ii),(iv),(v)* ]	[ Promoting Prostitution (person 18 years of age or older) ]	[ F3 ]	[ 5 ]	[ 1 ]
[ 5902(c)(1)(i),(ii),(iv),(v)* ]	[ Promoting Prostitution (child 16 years of age or older but under 18 years of age) ]	[ F3 ]	[ 5 ]	[ 1 ]
[ 5902(c)(1)(iii) ]	[ Prostitution Involving Minors Promoting Prostitution (child under 16 years of age) ]	[ 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(a)(1)	Obscene Materials	F3	5	1
5903(a)(1)	Obscene Materials	M1	3	m
5903(a)(2)	Obscene Materials	F3	5	1
5903(a)(2)	Obscene Materials	M1	3	m
5903(a)(3)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(3)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(3)(ii)*	Obscene Materials <b>minor depicted</b> (victim under 18 years of age) (1st offense)	M1	[ 3 ] 4	m
5903(a)(3)(ii)*	Obscene Materials <b>minor depicted</b> (victim under 18 years of age) (2nd offense)	F3	[ 5 ] 6	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5903(a)(4)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(4)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(4)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(1st offense)</b>	M1	[ 3 ] 4	m
5903(a)(4)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(2nd offense)</b>	F3	[ 5 ] 6	1
5903(a)(5)*	Obscene Materials (victim 18 years of age or older)	M1	3	m
5903(a)(5)*	Obscene Materials (victim 18 years of age or older)	F3	5	1
5903(a)(5)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(1st offense)</b>	M1	[ 3 ] 4	m
5903(a)(5)(ii)*	Obscene Materials <b>minor included</b> (victim under 18 years of age) <b>(2nd offense)</b>	F3	[ 5 ] 6	1
[ 5903(a)(6)* ]	[ Obscene Materials (victim 18 years of age or older) ]	[ M1 ]	[ 3 ]	[ m ]
[ 5903(a)(6)* ]	[ Obscene Materials (victim 18 years of age or older) ]	[ F3 ]	[ 5 ]	[ 1 ]
5903(a)(6)*	Obscene Materials <b>hire/use minor</b> (victim under 18 years of age) <b>(1st offense)</b>	M1	[ 3 ] 4	m
5903(a)(6)*	Obscene Materials <b>hire/use minor</b> (victim under 18 years of age) <b>(2nd offense)</b>	F3	[ 5 ] 6	1
5903(a)(7)	Obscene Materials	F3	5	1
5903(a)(7)	Obscene Materials	M1	3	m
5903(a)(8)	Obscene Materials	F3	5	1
5903(a)(8)	Obscene Materials	M1	3	m
5903(a)(9)	Obscene Materials	F3	5	1
5903(a)(9)	Obscene Materials	M1	3	m
5903(a.1)	Obscene Materials	M1	3	m
5903(c)	Obscene Materials	F2	7	2
5903(c)	Obscene Materials	F3	5	1
5903(d)	Obscene Materials	F2	7	2
5903(d)	Obscene Materials	F3	5	1
5903(f)	Obscene Materials	M1	3	m
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 <b>enumerated</b> felony, loaded or ammunition in possession or control of defendant). See § 303.3(b)	F2	10	2
6105(a.1)(1)*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (convicted of <b>enumerated</b> felony, unloaded and ammunition not in possession or control of defendant). See § 303.3(b)	F2	9	2
<b>6105(a.1)(1)*</b>	<b>Persons not to possess, use, manufacture, control, sell or transfer firearms (convicted of enumerated misdemeanor, loaded or ammunition in possession or control of defendant)</b>	<b>M1</b>	<b>3</b>	<b>1</b>

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6105(a.1)(1)*	<b>Persons not to possess, use, manufacture, control, sell or transfer firearms (convicted of enumerated misdemeanor, unloaded and ammunition not in possession or control of defendant)</b>	M1	3	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, 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)*	Persons 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
6105(a.1)(3)*	Persons 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)*	Persons 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 ] unloaded 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)*	<b>Firearms, Not to be Carried Without a License (eligible; loaded and ammunition in possession or control of defendant; with other criminal activity)</b>	<b>F3</b>	<b>9</b>	<b>1</b>
6106(a)(2)*	<b>Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant; with other criminal activity)</b>	<b>F3</b>	<b>7</b>	<b>1</b>
6106(a)(2)*	Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant; <b>no other criminal activity</b> )	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; <b>no other criminal activity</b> )	M1	3	1
6107	Prohibited Conduct during Emergency	M1	3	1

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (loaded or ammunition in possession or control of defendant)	M1	5	1
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (unloaded and ammunition not in possession or control of defendant)	M1	4	1
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
6110.2*	Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)	[ M1 ] F2	[ 5 ] 10	[ 1 ] 2
6110.2*	Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)	[ M1 ] F2	[ 4 ] 9	[ 1 ] 2
6111(g)(1)	Sale or Transfer of Firearms	M2	2	m
6111(g)(2)	Sale or Transfer of Firearms	F3	8	1
6111(g)(3)(3.1)	Sale or Transfer of Firearms	F3	5	1
6111(g)(4)	Sale or Transfer of Firearms	F3	8	1
6111(h)	Sale or Transfer of Firearms (subsequent)	F2	9	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)(i)[ * ]	Corruption of Minors	M1	4	m
6301(a)(1)(ii)[ * ]	Corruption of Minors <b>through course of conduct</b> (when of a sexual nature)	[ M1 ] F3	[ 5 ] 6	1
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
6310.3	Carrying False ID (subsequent offense)	M3	1	m

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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 ] 8	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 ] 6	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 F3)	F3	6	1
6318	Unlawful contact or communication with minor (if underlying offense is 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)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6501(a)(3)	Scattering Rubbish (1st offense)	M2	2	m
6501(a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	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
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

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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, Theses, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m
7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
7507.1(a)(1)	Invasion of privacy, <b>view photograph, etc., person without consent</b> (single violation)	M3	[ 1 ] 2	m
7507.1(a)(1)	Invasion of privacy, <b>view photograph, etc., person without consent</b> (more than one violation)	M2	3	m
7507.1(a)(2)	<b>Invasion of privacy, photograph, view, intimate parts of a person (single violation)</b>	M3	[ 1 ] 2	m
7507.1(a)(2)	<b>Invasion of privacy, photograph, view, intimate parts of a person (more than one violation)</b>	M2	3	m
7507.1(a)(3)	<b>Invasion of privacy, transfer image by telephone, email, internet, etc. (single violation)</b>	M3	[ 1 ] 2	m
7507.1(a)(3)	<b>Invasion of privacy photograph, transfer image by telephone, email, internet, etc. (more than one violation)</b>	M2	3	m
7508.2(b)(1)	<b>Operation of methamphetamine laboratory (knowingly causes a chemical reaction)</b>	F2	8	2
7508.2(b)(2)	<b>Operation of methamphetamine laboratory (knowingly causes a chemical reaction within 1,000 feet of a school)</b>	F1	9	3
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
7517	Commemorative service demonstration activities	M3	1	m
7611	Unlawful use of a computer	F3	7	1
7612	Disruption of computer service	F3	7	1
7613	Computer theft	F3	7	1



18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7614(b)(1)	Unlawful duplication (value of \$2,500 or less)	F3	5	1
7614(b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7624(1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624(2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624(3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1
7661(b)(1)	Unlawful transmission of electronic mail (value of less than \$2,500)	M3	1	m
7661(b)(2)	Unlawful transmission of electronic mail (damage/reckless disregard, value of \$2,500 or greater)	M1	5	m
7661(b)(3)	Unlawful transmission of electronic mail (damage/malicious act, value of \$2,500 or greater)	F3	7	1

\* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See §§ 303.7(c) and 303.8(b) for all other inchoates.

**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
4354(d)(2)	<b>Willful failure to pay child support (special circumstances)</b>	<b>M3</b>	<b>1</b>	<b>m</b>
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
[6018.101—6018.1002	SOLID WASTE MANAGEMENT ACT			
	<b>Knowingly Transports, etc. Hazardous Waste Without Permit</b>	<b>F1</b>	<b>9</b>	<b>1</b>

23 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Transports, etc. Hazardous Waste Without Permit</b>	<b>F2</b>	<b>7</b>	<b>2 ]</b>

\* = Subcategorized Offenses. See 303.3(b).  
M = Other Misdemeanor Offenses. See 303.7(a)(5).  
INCHOATE = Inchoates to 4 points PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

[ 35 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>691.1—691.1001</b>	<b>CLEAN STREAMS LAW</b>			
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>4001—4015</b>	<b>AIR POLLUTION CONTROL ACT</b>			
	<b>Knowingly Releases Hazardous Air Pollutant</b>	<b>F1</b>	<b>9</b>	<b>1</b>
	<b>Violation of Act ; DER Order</b>	<b>M2</b>	<b>2</b>	<b>m</b>
	<b>Negligently Releases Hazardous Air Pollution</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>721.1—721.17</b>	<b>SAFE DRINKING WATER ACT</b>			
	<b>Knowingly Introduces Contaminant Into Public Water</b>	<b>M1</b>	<b>3</b>	<b>m ]</b>

**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

30 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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 ] F2	10	[ 1 ] 2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M1	8	1
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

\* = Subcategorized Offenses. See 303.3(b).

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

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

#### DRUG ACT OFFENSES

35 P.S. § 780-113(a)	OFFENSE TITLE	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 (>1,000 g)	F	13	3
	Heroin (100 g to 1,000 g)	F	11	3
	Heroin (50 g to <100 g)	F	10	3
	Heroin (10 g to <50 g)	F	8	2
	Heroin (1 g to <10 g)	F	7	2
	Heroin (<1 g)	F	6	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (>1,000 g)	F	13	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100 g to 1,000 g)	F	11	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50 g to <100 g)	F	10	3

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10 g to <50 g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ 2.5 ] 5 g to <10 g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ <2.5 ] 2 g to <5 g)	F	6	2
	<b>Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (&lt;2 g)</b>	<b>F</b>	<b>5</b>	<b>2</b>
	MDMA (Ecstasy) (Schedule I, non-narcotic) (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 (including Oxycodone, OxyContin, Percocet) (>100 pills)	F	10	3
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (51-100 pills)	F	9	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (21-50 pills)	F	8	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, Oxycontin, Percocet) (1-20 pills)	F	6	2
	Marijuana (>1,000 lbs. or >5,000 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
	<b>Synthetic Marijuana (500 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 11</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (250—&lt;500 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (100—&lt;250 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (50—&lt;100 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (25—&lt;50 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 4</b>	<b>[ 1 ] 2</b>
	<b>Synthetic Marijuana (&lt;25 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 3</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (10 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 10</b>	<b>[ 1 ] 3</b>
	<b>Bath Salts (5 g &lt; 10 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 9</b>	<b>[ 1 ] 2</b>

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	<b>Bath Salts (2 g—&lt; 5 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (1—&lt;2 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (&lt;1 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 2</b>
	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 (>1,000 g)	F	13	3
	Heroin (100 g [ to ]—1,000 g)	F	11	3
	Heroin (50 g [ to ]—<100 g)	F	10	3
	Heroin (10 g [ to ]—<50 g)	F	8	2
	Heroin (1 g [ to ]—<10 g)	F	7	2
	Heroin (<1 g)	F	6	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (>1,000 g)	F	13	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100 g [ to ]—1,000 g)	F	11	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50 g [ to ]—<100 g)	F	10	3
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10 g [ to ]—<50 g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ 2.5 g to ] 5 g—<10 g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine ([ <2.5 ] 2 g—<5 g)	F	6	2
	<b>Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (&lt;2 g)</b>	<b>F</b>	<b>5</b>	<b>2</b>
	MDMA (Ecstasy) (Schedule I, non-narcotic) (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 (including Oxycodone, OxyContin, Percocet) (>100 pills)	F	10	3
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (51-100 pills)	F	9	2
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (21-50 pills)	F	8	2

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Narcotic Prescription Pills of Schedule II (including Oxycodone, OxyContin, Percocet) (1-20 pills)	F	6	2
	Marijuana (>1,000 lbs. or >5,000 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
	<b>Synthetic Marijuana (500 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 11</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (250—&lt;500 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (100—&lt;250 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (50—&lt;100 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (25—&lt;50 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 4</b>	<b>[ 1 ] 2</b>
	<b>Synthetic Marijuana (&lt;25 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 3</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (10 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 10</b>	<b>[ 1 ] 3</b>
	<b>Bath Salts (5 g &lt; 10 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 9</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (2 g—&lt; 5 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (1—&lt;2 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (&lt;1 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 2</b>
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(15)	Illegal Retail Sale	M	4	m
(16)	Simple Possession	M	3	m
(17)	Dispensing of Drugs Without Label	M	4	m
(18)	Illegal Sale Container	M	4	m
(19)	Intentional Unauthorized Purchase	M	5	m
(20)	Divulging Trade Secret	M	4	m
(21)	Failure to Keep Records	M	2	m
(22)	Refusal of Inspection	M	2	m
(23)	Unauthorized Removal of Seals	M	5	m
(24)	Failure to Obtain License	M	2	m
(25)	Manufacture by Unauthorized Party	M	5	m

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

35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	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
	<b>Synthetic Marijuana (500 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 11</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (250—&lt;500 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (100—&lt;250 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (50—&lt;100 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 3</b>
	<b>Synthetic Marijuana (25—&lt;50 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 4</b>	<b>[ 1 ] 2</b>
	<b>Synthetic Marijuana (&lt;25 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 3</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (10 g or more)</b>	<b>F</b>	<b>[ omnibus 5 ] 10</b>	<b>[ 1 ] 3</b>
	<b>Bath Salts (5 g &lt; 10 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 9</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (2 g—&lt; 5 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 8</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (1—&lt;2 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 7</b>	<b>[ 1 ] 2</b>
	<b>Bath Salts (&lt;1 g)</b>	<b>F</b>	<b>[ omnibus 5 ] 6</b>	<b>[ 1 ] 2</b>
	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
(39)	<b>Possession of ephedrine, pseudoephedrine, etc. with intent to manufacture methamphetamine</b>	<b>M</b>	<b>2</b>	<b>m</b>
(40)	<b>Sale at retail of any product containing ephedrine (1st offense)</b>	<b>M</b>	<b>2</b>	<b>m</b>



35 P.S. § 780-113(a)	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(40)	<b>Sale at retail of any product containing ephedrine (2nd/subsequent offense)</b>	<b>M</b>	<b>2</b>	<b>m</b>
35 P.S. § 780-113.1(a)	OFFENSE TITLE	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
35 P.S. § 780-113.4	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(a)(1)	<b>Operating a methamphetamine lab and illegal dumping of methamphetamine waste</b>	<b>F2</b>	<b>7</b>	<b>2</b>
(a)(3)	<b>Operating a methamphetamine lab and illegal dumping of methamphetamine waste within 1,000 feet of a school</b>	<b>F1</b>	<b>8</b>	<b>3</b>
(b)(1)	<b>Stores or disposes of substance used in manufacture of methamphetamine</b>	<b>F3</b>	<b>5</b>	<b>1</b>
35 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
<b>6018.101— 6018.1002</b>	<b>SOLID WASTE MANAGEMENT ACT</b>			
	<b>Knowingly Transports, etc. Hazardous Waste Without Permit</b>	<b>F1</b>	<b>9</b>	<b>1</b>
	<b>Transports, etc. Hazardous Waste Without Permit</b>	<b>F2</b>	<b>7</b>	<b>2</b>
	<b>Violation of Act; DER Order, etc.</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>691.1—691.1001</b>	<b>CLEAN STREAMS LAW</b>			
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>4001—4015</b>	<b>AIR POLLUTION CONTROL ACT</b>			
	<b>Knowingly Releases Hazardous Air Pollutant</b>	<b>F1</b>	<b>9</b>	<b>1</b>
	<b>Violation of Act; DER Order</b>	<b>M2</b>	<b>2</b>	<b>m</b>
	<b>Negligently Releases Hazardous Air Pollution</b>	<b>M3</b>	<b>1</b>	<b>m</b>
<b>721.1—721.17</b>	<b>SAFE DRINKING WATER ACT</b>			
	<b>Knowingly Introduces Contaminant Into Public Water</b>	<b>M1</b>	<b>3</b>	<b>m</b>
	<b>Violation of Act; DER Order</b>	<b>M3</b>	<b>1</b>	<b>m</b>

\* = 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

\* = Subcategorized Offenses. See 303.3(b).

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

## TRADE AND COMMERCE

73 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
517.8(a)(1)	Home improvement fraud; false or misleading statements (\$2,000 or less)	M1	3	m
517.8(a)(1)	Home improvement fraud; false or misleading statements (>\$2,000)	F3	5	1
517.8(a)(1)	Home improvement fraud; false or misleading statements and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(1)	Home improvement fraud; false or misleading statements and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(1)	Home improvement fraud; false or misleading statements (2nd or subsequent offense)	F2	7	2
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide (\$2,000 or less)	M1	3	m
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide (>\$2,000)	F3	5	1
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(2)	Home improvement fraud; advance payment/fail to provide (2nd or subsequent offense)	F2	7	2
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (\$2,000 or less)	M1	3	m
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (>\$2,000)	F3	5	1
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract and victim older than 60 yrs. (\$2,000 or less)	F3	5	1

73 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(3)	Home improvement fraud; misrepresent when solicit contract (2nd or subsequent offense)	F2	7	2
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (\$2,000 or less)	M1	3	m
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (>\$2,000)	F3	5	1
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(4)	Home improvement fraud; damage property with intent to solicit contract (2nd or subsequent offense)	F2	7	2
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (\$2,000 or less)	M1	3	m
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (>\$2,000)	F3	5	1
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government and older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government and older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(5)	Home improvement fraud; misrepresent as agent of the government (2nd or subsequent offense)	F2	7	2
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (\$2,000 or less)	M1	3	m
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (>\$2,000)	F3	5	1
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(6)	Home improvement fraud; misrepresent item as special order to increase cost (2nd or subsequent offense)	F2	7	2
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (\$2,000 or less)	M1	3	m
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (>\$2,000)	F3	5	1
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner and victim older than 60 yrs. (\$2,000 or less)	F3	5	1

73 P.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(7)	Home improvement fraud; alter agreement or document without consent of owner (2nd or subsequent offense)	F2	7	2
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (\$2,000 or less)	M1	3	m
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (>\$2,000)	F3	5	1
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement and victim older than 60 yrs. (\$2,000 or less)	F3	5	1
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement and victim older than 60 yrs. (>\$2,000)	F2	7	2
517.8(a)(8)	Home improvement fraud; publish a false or deceptive advertisement (2nd or subsequent offense)	F2	7	2
2330.3(2)	Computer spyware prohibitions—collect through deceptive means	F2	7	2
2330.4(1)(i)(ii)(iii)	Computer spyware—control or modification (take control of computer)	F2	7	2
2330.4(2)	Computer spyware—control or modification (modify settings related to computer access)	F2	7	2

\* = Subcategorized Offenses. See 303.3(b).

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

#### VEHICLE LAW 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 <sup>3</sup>	10	1
3732*	<b>Homicide by vehicle (when there is also a conviction for DUI arising from the same incident and in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area)</b>	<b>F3<sup>3</sup></b>	<b>10</b>	<b>1</b>

<sup>3</sup> statutory maximum increased by 5 years if offense occurred in active work zone (maximum=12 years)  
statutory maximum increased by 5 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=12 years)

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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 <sup>3</sup>	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	F3	6	1
<b>3732(1.1)</b>	<b>Homicide by vehicle (when there is not a conviction for DUI arising from the same incident and in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area)</b>	<b>F3<sup>3</sup></b>	<b>8</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is a conviction for DUI arising from the same incident and when occurs in active work zone)</b>	<b>F3<sup>4</sup></b>	<b>9</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is a conviction for DUI arising from the same incident and when in violation of § 3325 or § 3327-duty of driver on approach of emergency vehicle or in emergency response area- SBI)</b>	<b>F3<sup>4</sup></b>	<b>9</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is a conviction for DUI arising from the same)</b>	<b>F3</b>	<b>7</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same incident and when occurs in active work zone) (See mandatory provision § 303.9(i))</b>	<b>F3<sup>4</sup></b>	<b>7</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same incident and when in violation of § 3325 or § 3327, duty of driver on approach of emergency vehicle or in emergency response area) (SBI)</b>	<b>F3<sup>4</sup></b>	<b>7</b>	<b>1</b>
<b>3732.1*</b>	<b>Aggravated assault by vehicle (when there is not a conviction for DUI arising from the same)</b>	<b>F3</b>	<b>5</b>	<b>1</b>
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
3735	Homicide by Vehicle while DUI (See mandatory provision § 303.9(i))	F2	10	2
3735.1	Aggravated Assault by Vehicle while DUI	F2	<b>[ 7 ] 9</b>	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

<sup>4</sup> statutory maximum increased by 2 years if offense occurred in active work zone (maximum=9 years)  
statutory maximum increased by 2 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=9 years).

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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 (death)	F3	<b>[ 6 ] 5</b>	1
3742.1(b)(2) *	Accident involving death or personal injury while not properly licensed (SBI)	F3	5	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
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
<b>[ 3808 ]</b>	<b>[ Ignition interlock ]</b>			

75 Pa.C.S.§	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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
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

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

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

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

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

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

§ 303.16. Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
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	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary (not home/no person) Theft (>\$2000-\$25,000) [ DUI(M1) ] Bribery 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 M2 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) ] Carrying explosives 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 programs are recommended not to exceed the guideline ranges.
3. When the range is RS through a number of months(e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
5. Statutory classification(e.g., F1, F2, etc.) in brackets reflect the omnibus OGS assignment for the given grade.

Key:

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

§ 303.17. DWE/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
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	OGS	Deadly Weapon	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
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								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
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
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
Level 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

§ 303.19. Youth and School Enhancements Matrices.

Basic Sentencing Matrix with Youth/School Enhancement: Youth.

Level	OGS	Prior Record Score								Agg/ Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	66—90	72—96	78—102	84—108	90—114	102—126	114—138	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	42—66	48—72	54—78	60—84	66—90	78—102	90—114	120	+/-12
4	10	28—48	36—54	42—60	48—66	54—72	66—84	78—96	120	+/-12
	9	18—36	24—42	30—48	36—54	42—60	54—72	66—84	120	+/-12
	8	15—28	18—30	21—33	24—36	27—39	33—45	46—64	NA	+/-9
	7	12—26	15—28	18—30	21—33	24—36	30—42	41—57	NA	+/-6
3	6	9—24	12—26	15—28	18—30	21—33	27—39	33—52	NA	+/-6
	5	6—21	7—24	9—26	12—28	15—28	18—30	30—48	NA	+/-3
	4	6—15	6—21	6—24	9—26	12—28	15—28	27—42	NA	+/-3
	3	6—13	6—18	6—21	6—24	9—26	12—28	18—30	NA	+/-3

Basic Sentencing Matrix with Youth/School Enhancement: School.

Level	OGS	Prior Record Score								Agg/ Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	72—102	78—108	84—114	90—120	96—126	108—138	120—150	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	48—78	54—84	60—90	66—96	72—102	84—114	96—120	120	+/-12
	10	34—60	42—66	48—72	54—78	60—84	72—96	84—108	120	+/-12
4	9	24—48	30—54	36—60	42—66	48—72	60—84	72—96	120	+/-12
	8	21—40	24—42	27—45	30—48	33—51	39—57	52—76	NA	+/-9
	7	18—38	21—40	24—42	27—45	30—48	36—54	47—69	NA	+/-6
	6	15—36	18—38	21—40	24—42	27—45	33—51	39—64	NA	+/-6
	5	12—33	13—36	15—38	18—40	21—40	24—42	36—60	NA	+/-3
	4	12—27	12—33	12—36	15—38	18—40	21—40	33—54	NA	+/-3
	3	12—25	12—30	12—33	12—36	15—38	18—40	24—42	NA	+/-3

Basic Sentencing Matrix with Youth/School Enhancement: Youth and School.

Level	OGS	Prior Record Score								Agg/ Mit	
		0	1	2	3	4	5	RFEL	REVOC		
5	14	NA	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	78—114	84—120	90—126	96—132	102—138	114—150	126—162	240	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	54—90	60—96	66—102	72—108	78—114	90—120	102—120	120	120	+/-12
	10	40—72	48—78	54—84	60—90	66—96	78—108	90—120	120	120	+/-12
	9	30—60	36—66	42—72	48—78	54—84	66—96	78—108	120	120	+/-12
4	8	27—52	30—54	33—57	36—60	39—63	45—69	58—88	NA	NA	+/-9
	7	24—50	27—52	30—54	33—57	36—60	42—66	53—81	NA	NA	+/-6
	6	21—48	24—50	27—52	30—54	33—57	39—63	45—76	NA	NA	+/-6
	5	18—45	19—48	21—50	24—52	27—52	30—54	42—72	NA	NA	+/-3
	4	18 -39	18—45	18—48	21—50	24—52	27—52	39—66	NA	NA	+/-3
	3	18—37	18—42	18—45	18—48	21—50	24—52	30—54	NA	NA	+/-3

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