

THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Adopted 7th Edition Sentencing Guidelines, Amendment 6

On June 4, 2020, the Pennsylvania Commission on Sentencing approved for the purpose of public comment proposed Amendment 6 of the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18. The proposal was published in the *Pennsylvania Bulletin* on July 4, 2020 (50 Pa.B. 3203). Public hearings were held August 18, 2020 (McKeesport, Allegheny County and via ZOOM) and August 20, 2020 (Harrisburg, Dauphin County, and via ZOOM).

On September 10, 2020, the Pennsylvania Commission on Sentencing adopted 7th Edition Sentencing Guidelines, Amendment 6. The Guidelines adopted by the Commission are submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*, and will become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly.

7th Edition Sentencing Guidelines

The 7th Edition Sentencing Guidelines, which the Commission adopted on September 13, 2012, apply to all offenses committed on or after the effective date of December 28, 2012. In response to legislation enacted since September 13, 2012, the Commission adopted the following amendments and supplement to the 7th Edition Sentencing Guidelines:

- Amendment 1 was adopted on June 6, 2013 and became effective September 27, 2013.
- Amendment 2 was adopted on June 5, 2014 and became effective September 26, 2014.
- Amendment 3 was adopted on June 4, 2015 and became effective September 25, 2015.
- Amendment 4 was adopted June 1, 2017 and became effective January 1, 2018. A Supplement to Amendment 4 of the 7th Edition Sentencing Guidelines was adopted on December 14, 2017 and became effective June 1, 2018.
- Amendment 5 was adopted June 13, 2019 and became effective January 1, 2020.

Amendment 6 is primarily adopted in response to Act 115 of 2019. This Act:

1) Repealed County Intermediate Punishment as a sentencing alternative, reassigned county intermediate punishment programs as restrictive conditions of probation, and required the Commission to adopt Probation Guidelines to address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation (42 Pa.C.S. § 2154(d));

2) Required the Commission to adopt guidelines to identify offenders who would be eligible and appropriate for restrictive conditions of probation (42 Pa.C.S. § 2154.1); and

3) Repealed State Intermediate Punishment as a sentencing alternative and created the State Drug Treatment Program under the authority of the Department of Corrections.

Amendment 6 addresses the General Assembly's mandated sentencing enhancement for sexual extortion when the victim is younger than age 18 or has an intellectual disability or if the offender is a position of authority over the victim (Act 100 of 2019). Amendment 6 includes changes in Offense Gravity Scores for new and modified offenses.

7th Edition Sentencing Guidelines, Amendment 6, as adopted by the Commission, is summarized as follows and set forth in Annex A.

REPRESENTATIVE TODD STEPHENS,
Chair

Commentary on Annex A

This Commentary provides selected highlights of the adopted 7th Edition Sentencing Guidelines, Amendment 6. The adopted Amendment 6 is set forth in Annex A.

Revisions to § 303.1—Sentencing guideline standards

Act 115 of 2019 repealed County Intermediate Punishment and State Intermediate Punishment as sentencing alternatives. In (b), revocation of these sentences is removed.

Modifications are made in (c)(2). Amendment 5 of the 7th Edition Sentencing Guidelines was effective January 1, 2020 and applied to all offenses committed on or after that date. Amendment 6 will be effective January 1, 2021.

Revisions to § 303.2—Procedure for determining the guideline sentence

No changes.

Revisions to § 303.3—Offense gravity score (general)

Clarification in (a) and (b) that an Offense Gravity Score is assigned based on the elements of the conviction offense and classification of the crime. Additionally, an offense may be subcategorized and multiple and different Offense Gravity Scores assigned to each based on additional factors.

In (f), a provision is added that an omnibus Offense Gravity Score of 10 is applied for a felony 1 offense with a statutory maximum greater than 20 years. Clarification is provided for new offenses if they are added to existing subsection of statute or if they are a new subsection of statute.

If it is an existing subsection and the offense definition is modified, the existing Offense Gravity Score is assigned. If the grade or statutory maximum is modified, the omnibus Offense Gravity Score applies unless it would decrease or increase the existing Offense Gravity Score.

For new subsections, the lowest Offense Gravity Score applies. However, the highest Offense Gravity Score may apply if grade or statutory maximum sentence is higher than the highest Offense Gravity Score assigned in the section. Similarly, the lowest Offense Gravity Score applies if the grade or statutory maximum sentence is lower than the lowest Offense Gravity Score assigned in the section.

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)

No changes.

Revisions to § 303.8—Prior record score (miscellaneous)

No changes.

Revisions to § 303.9—Guideline sentence recommendations (general)

Sentencing enhancements under § 303.9 are consolidated under § 303.10: Deadly Weapon (b), School and Youth (c), Criminal Gang (j), Third Degree Murder of Person Younger than Age 13 (k), Sexual Abuse of Children (l), Arson (m), Human Trafficking (n), and Domestic Violence (o).

The means by which the Commission addresses sentencing enhancements is added in (3). The Commission may assign an Offense Gravity Score to a subcategorized offense. If a sentencing enhancement factor is present, it may call for the increase in Offense Gravity Score or adjust the basic sentencing recommendation by adding months to the upper and lower limit to the standard range. An enhancement recommendation will not apply if it is an element of the offense or a sentencing factor used to subcategorize an offense.

In (d), language is added that mitigated and aggravated ranges may apply to both basic and enhanced recommendation ranges.

Act 115 of 2019 repealed County Intermediate Punishment as a sentencing alternative. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. The Sentencing Guidelines provide confinement sentence recommendations, which include confinement in state or county facilities and restrictive conditions of probation. The duration of restrictive conditions of probation are recommended not exceed the suggested minimum months of confinement in the Sentencing Guidelines. An aggregate term of probation that includes restrictive conditions is recommended not exceed 10 years for a judicial proceeding.

Act 115 also requires the Commission to adopt probation guidelines to address the use of county intermediate punishment programs as restrictive conditions of probation and duration of terms of probation. The Sentencing Guidelines provide for restorative sanctions as non-confinement sentencing alternatives which include guilt without further penalty, economic sanctions, and probation without restrictive conditions. Subsection (f) includes that definition and identifies the duration of probation be recommended non-restrictive probation duration is one or two years. The aggregate term of probation is recommended not to exceed five years for a judicial proceeding.

Subsection (i) defines restrictive DUI probation conditions. Restrictive DUI probation conditions alone or in combination with confinement may satisfy mandatory provisions applied to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), former 75 Pa.C.S. § 3731 (related to driving

under the influence of alcohol or controlled substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second or third offense under 75 Pa.C.S. Chapter 38 (related to driving after imbibing alcohol or utilizing drugs).

Revisions to § 303.10—Guideline sentence recommendations (enhancements)

The sentencing enhancement information that was included in both § 303.9 and § 303.10 is consolidated in § 303.10: Deadly Weapon (a), School and Youth (b), Criminal Gang (c), Third Degree Murder of Person Younger than Age 13 (d), Sexual Abuse of Children (e), Arson (f), Human Trafficking (g), and Domestic Violence (h).

Language was added to the Domestic Violence Enhancement in (h). The existing enhancement states that the Court shall consider ordering the offender to pay the costs or fees associated with the treatment of the minor for exposure to domestic violence. The amended language adds costs or fees associated with the assessment of the minor for the exposure.

The Commission may address sentencing enhancements through the assignment of an Offense Gravity Score to a subcategorized offense. These offenses are included in the offense listing of the Sentencing Guidelines in § 303.15. Section (i) includes sentencing enhancements and any authority that are addressed through an Offense Gravity Score assignment.

The Commission was directed to create a sentencing enhancement for sexual extortion (18 Pa.C.S. § 3133) when the victim is younger than age 18 years or has an intellectual disability or when the offender holds a position of trust, supervision, or disciplinary power over the victim base on legal, occupational, or professional status. The Commission increased the Offense Gravity Score assignments for this offense when the enhancing factors are present. The offenses and Offense Gravity Score assignments are located in the Sentencing Guidelines § 303.15, and the Sexual Extortion Enhancement is included in the sentencing enhancement list in (i).

Revisions to § 303.11—Guideline sentence recommendations (sentencing levels)

Act 115 of 2019 repealed County and State Intermediate Punishment as sentencing alternatives. These references were removed. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. The Act created the State Drug Treatment Program under the authority of the Department of Corrections.

Subsection (a) was expanded. It explains that the Sentencing Guidelines provide a common starting point of a range of recommendations for the typical offender. It notes that while the Guidelines provide a retributive framework, other information assists the Court in the imposition of the type of sentencing alternative and duration. These include mandatory sentencing provisions, diagnostic classification of drug or alcohol dependency, and risk-needs-responsivity assessments. The Court may need to consider eligibility or ineligibility requirements for specific programs such as those operated by the Department of Corrections, County Intermediate Punishment Programs as restrictive conditions of probation, and reentry programs.

Levels of the Sentencing Guidelines in (b) are streamlined. The section adds that the Court should consider the Guidelines and eligibility for probation with restrictive

conditions and county reentry as well as an offender's appropriateness for Department of Correction programs such as State Motivational Boot Camp, State Drug Treatment Program, Recidivism Risk Reduction Incentive Program, and Short Sentence Parole.

Level 1 of the Guidelines recommends non-restrictive program and other non-confinement sanctions for offenders with less severe offenses and a Prior Record Score of 0. Level 2 targets non-violent offenders with less severe criminal history. It recommends both non-confinement and confinement in county facility. Level 3 targets more serious offenders with more serious criminal histories. It recommends confinement sentences but allows for county sentences, restrictive DUI probation, and treatment in lieu of incarceration for drug-dependent offenders. Level 4 targets very serious offenders with serious criminal histories. Confinement sentences are recommended and may be served in county facilities. Consideration of correctional programs for drug-dependent offenders is recommended as well as DUI restrictive probation to meet mandatory conditions as directed in statute. Level 5 targets violent offenders or those with major drug convictions. The sentencing recommendation is a state incarceration sentence. Consideration of state correctional and sentencing programs may be applicable.

Revisions to § 303.12—Guideline sentence recommendations (sentencing programs)

Section 303.12 describes correctional and sentencing programs.

Act 115 of 2019 repealed County Intermediate Punishment as a sentencing alternative. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. The purpose of County Intermediate Punishment Programs as restrictive conditions of probation is to protect public safety while promoting efficiencies and economies in criminal justice resources. Specialized programs can be identified that will meet the demonstrated needs of offenders. Eligibility and identification of restrictive DUI probation that will meet mandatory minimum requirements are further addressed in (a). It also notes consideration of restrictive conditions of probation for offenders clinically diagnosed as drug or alcohol dependent and falling within Levels 3 and 4 of the Sentencing Guidelines.

The Act modified the process for determining eligibility for the State Motivational Boot Camp Program. The program remains under the authority of the Department of Corrections. The Courts determine if an offender is ineligible for the program on the Sentencing Guidelines Form. The Department continues to exercise discretion to place eligible offenders in the program. It is addressed in modifications in (b).

Act 115 of 2019 repealed State Intermediate Punishment as a sentencing alternative and created the State Drug Treatment Program under the authority of the Department of Corrections. The Courts and prosecutor have discretion to exclude an offender from eligibility and indicate such on the Sentencing Guidelines Form. Placement of eligible offenders is at the discretion of the Department. It is addressed in modifications in (c).

Subsection (d) is an addition and addresses Recidivism Risk Reduction Incentive Program. The program is designed to encourage eligible non-violent offenders to complete programming that will reduce future recidivism. The Court record eligibility on the Sentencing Guidelines Form and directs the Department of Corrections to calculate the RRRI minimum.

Subsection (e) is an addition. Act 115 of 2019 created short sentence parole. Non-violent offenders meeting statutory criteria and with an aggregate minimum incarceration sentence of two years or less may be paroled by the Pennsylvania Parole Board at minimum sentence or at the RRRI minimum sentence without requiring an interview.

Subsection (f) is an addition. It addresses county reentry programs in (1). Offenders sentenced to county incarceration may be paroled prior to minimum sentence if made eligible for a reentry program at the time of sentencing. The subsection also outlines state reentry supervision in (2). A period of 12 months reentry supervision will be imposed at the time of sentencing for an offender with an aggregate minimum sentence of four years or more. A period of parole during the same period is considered reentry supervision. A mandatory period of three years of probation will be imposed for certain sexual offenders as outlined in (3).

Revisions to § 303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)

Unless prohibited by statute, the Court should consider the use of validated risk-needs-responsivity assessments to help guide decisions regarding the intensity and duration of community supervision. References to specific enhancements are removed. Rather, a mitigated range should not be less than the recommended sentencing enhancement range.

Revisions to § 303.14—Guideline sentence recommendations (economic sanctions)

Technical changes are made to the outline structure in subsection (a). Subsection (a)(3) is clarified. Fines may be imposed as a condition of probation.

Under (c)(2), the County Intermediate Punishment reference is removed. Restitution may be imposed as a direct sentence and/or as a condition of probation.

Revisions to § 303.15—Offense listing

New or modified offenses:

18 Pa.C.S.

§ 2703 Assault by prisoner

§ 2718 Strangulation

§ 3011 Trafficking in individuals

§ 3013 Patronizing a victim of sexual servitude

§ 3124.2 Institutional sexual assault by peace officer

§ 3132 Female mutilation

§ 3133 Sexual extortion

23 Pa.C.S.

§ 6319 Failure to report or to refer suspected child abuse

30 Pa.C.S.

§ 5502 Operating watercraft under influence and passenger <18

§ 5502.4 Aggravated assault by watercraft (SBI)

34 Pa.C.S.

§ 2314 Trespass on private property while hunting

Technical changes:

18 Pa.C.S.

§ 3011 Trafficking in individuals

§ 3012 Involuntary servitude

- § 3013 Patronizing a victim of sexual servitude
- § 3014 Unlawful conduct regarding documents
- § 3015 Nonpayment of wages
- § 3016 Obstruction of justice
- § 6105 Firearms persons not to possess: active PFA ((c)(6))

Revisions to § 303.16(a)—Basic Sentencing Matrix

The example offenses and omnibus Offense Gravity Scores are removed from the matrix in order to improve readability. The omnibus Offense Gravity Scores are noted in the footnotes.

Community service hours in lieu of fines are included in Levels 1 and 2. Probation recommendations are included in Level 2.

Footnotes are updated to reflect changes from Act 115 of 2019.

Revisions to § 303.16(b)—Sentencing Matrix for Offenders Convicted of 1st or 2nd Degree Murder

No changes.

Revisions to § 303.17—Deadly Weapon Enhancement Matrices

Reference change in citation.

Revisions to § 303.18—School and Youth Enhancement Matrices

Act 115 of 2019 repealed County Intermediate Punishment as a sentencing alternative. County Intermediate Punishment Programs are reassigned as restrictive conditions of probation. References are modified in the footnotes.

Resource Utilization

In accordance with 42 Pa.C.S. § 2153(a)(15), the Commission is mandated to determine resources required under current 7th Edition Sentencing Guidelines, Amendment 5 and resources that would be required to carry out Amendment 6.

Changes to the Sentencing Guidelines may be initiated by the Commission or in response to legislation enacted by the General Assembly. The majority of the changes contained in Amendment 6 are in response to Act 115 of 2019. Additionally, the Amendment addresses the legislative mandate to create a sentencing enhancement and assigns Offense Gravity Scores to new and modified offenses.

A resource utilization can only be completed where reliable data are available.

New Legislatively Mandated Sentencing Enhancement

The Commission addressed the sentencing enhancement for sexual extortion with an increase in Offense Gravity Score. The offense (18 Pa.C.S. § 3133) is subcategorized and assigned an increased Offense Gravity Score when the victim is younger than age 18 or has an intellectual disability or if the offender is a position of authority over the victim. As sexual extortion is also a new offense, no data are currently available to determine resources needed.

Act 115 of 2020

Probation Guidelines

The current sentencing guidelines do not include recommendations for the duration of probation. The adopted amendment recommends restorative sanctions other than

probation for sentences imposed at Level 1, and recommends that the duration of probation for sentences imposed at Level 2 be limited to 1 or 2 years. The adopted amendment also recommends limits on aggregate terms of probation imposed during a judicial proceeding (sentencing hearing) of 5 or 10 years. Previous research by the Commission found that the most common order of probation for misdemeanors was one to two years, and the most common order for felonies was three to five years. However, the aggregate terms of probation at times resulted in a seven-fold increase in duration, with extreme cases of aggregate terms of probation exceeding 50 years. The intent of these initial probation guidelines is to better target the use of probation as a sentencing alternative, and to reduce the duration of aggregate terms of probation. However, as these are initial guidelines, utilization data are not available.

Although county intermediate punishment (CIP) was repealed as a sentencing alternative, CIP programs were retained as restrictive conditions of probation. The adopted amendment replaces the previous CIP guidelines with new guidelines for probation with restrictive conditions. No substantive changes were included in recommendation for the use of CIP programs as restrictive conditions of probation, and so no impact aside from that of the initial probation guidelines is anticipated.

Repeal of State Intermediate Punishment, replacement with State Drug Treatment Program, and expansion of information on correctional programs

Historically, the former State Intermediate Punishment (SIP) program and State Motivational Boot Camp (BC) Program have been under-utilized at sentencing. In 2018, of the 4,100 SIP-eligible offenders, 5% were sentenced to SIP. The repeal of SIP and its replacement with the State Drug Treatment Program (SDTP), and the change in procedures for assigning individuals to targeted DOC programs, is intended to increase utilization of programs proven to be more effective than traditional confinement and at lower cost. Under the new procedures, the Court will sentence offenders to a minimum and maximum term of confinement in a state facility, and the Department of Corrections is authorized to place eligible offenders in any of its correctional programs, including SDTP and BC, as long as the Court has not determined the offender to be ineligible. This change, along with additional information on eligibility and appropriateness included in the sentencing guidelines, is intended reduce time served in state prison as well as recidivism upon release. However, as these are new procedures, utilization data are not available.

New Offenses

The Commission assigned Offense Gravity Scores to new and modified offenses. As they are newly enacted offenses, no data are available to determine resources needed:

18 Pa.C.S. § 2703(a)(1)(ii). Assault by prisoner-against employee and attempt/cause bodily injury

18 Pa.C.S. § 2703(a)(3). Assault by prisoner-against employee and attempt/cause serious bodily injury

18 Pa.C.S. § 3013. Patronizing a victim of sexual servitude

18 Pa.C.S. § 3124.2(a.4). Institutional assault by peace officer

18 Pa.C.S. § 3132. Female mutilation

30 Pa.C.S. § 5502. Operating watercraft under influence with a minor passenger

30 Pa.C.S. § 5502.4. Aggravated assault by watercraft with serious bodily injury

34 Pa.C.S. § 2314. Trespass on private property while hunting

Modified Offenses

Commission assigned Offense Gravity Scores to modified offenses. Given the small number of sentences, impact will be minimal.

18 Pa.C.S. § 3011. Trafficking in individuals.

(a)(1) recruits, entices, solicits, harbors, etc.

(a)(2) (knowingly benefits financially)

The statutory grade for these two offenses increased from an F-2 to an F-1. The existing offense as pertains to minors retained the Offense Gravity Score of 12. The new general offense is assigned an Offense Gravity Score of 10.

The 2019 preliminary sentencing data show a total of two sentences (most serious in criminal incident) for (a)(1). The sentences imposed were to county incarceration and guilt without further penalty. There was one sentence of county incarceration imposed for (a)(2).

Sentences reported in 2018 are similar: one sentenced each for (a)(1) and (a)(2), one of state incarceration and one of county incarceration. Therefore, any impact resulting from the grade change of these offenses is anticipated to be minimal.

23 Pa.C.S. § 6319.

(b) Failure to report or to refer suspected child abuse

The statutory grade for this offense is raised from M-1 to F-3 for continuing course of action. If the underlying offense was graded at least an F-1, the grade for the failure to report increases from an F-3 to an F-2. The Offense Gravity Score assignments increase from 3 to 5 and from 5 to 7, respectively.

No sentences are reflected in the 2019 preliminary sentencing data, and no sentences for these offenses were reported in 2018. Therefore, no or very minimal impact is anticipated.

Effective Date

7th Edition Sentencing Guidelines, Amendment 6 shall become effective January 1, 2021 unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

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[, county interme-

diate punishment or state intermediate punishment], except as provided in 204 Pa. Code Chapter 307; or revocation of 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, the later date determines the edition of the guidelines that shall apply to the 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, June 3, 2005, December 5, 2008, and December 28, 2012. Amendments to the guidelines went into effect September 27, 2013, September 26, 2014, September 25, 2015, January 1, 2018, [and] June 1, 2018, and January 1, 2020. This amendment, Amendment [5] 6 of the 7th Edition Sentencing Guidelines, shall take effect January 1, [2020] 2021 and apply to all crimes committed on or after that date.

(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)(1) 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.

(2) Effective for sentences imposed on or after January 1, 2016, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to report all subsequent revocations of probation, county intermediate punishment and state intermediate punishment and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

(f) Effective January 1, 2014, the State Identification Number (SID) for an offender shall be included as part of the record in the completed Guideline Sentence Form.

§ 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 enhancements (§ 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**] **assigned to each offense based on the elements of the conviction offense and the classification of the crime.** The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain **conviction** offenses are subcategorized [**and scored by the Commission**] according to the particular circumstances of the offense. **A subcategorized offense is assigned multiple offense gravity scores based on additional sentencing factors, which the court determines at sentencing.** The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk [*].

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

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

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

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

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

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object

offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score applicable.

(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.* For violations of 35 P.S. § 780-113(a)(12), (a)(14), and (a)(30) involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

| Felony 1 with a statutory maximum greater than 20 years | 10 |
|--|-----------|
| 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 |

The Omnibus Offense Gravity Score [**is applied in the following circumstances:**] **shall apply to an offense not otherwise listed in § 303.15. For purposes of this section, an offense not otherwise listed includes a new section of statute added by the General Assembly.**

(1) [**when the offense is not otherwise listed in § 303.15**] **For an amendment to an existing section of statute.**

(i) **When the definition of an offense listed in § 303.15 is changed, the previously assigned offense gravity score shall apply.**

(ii) **When the grade or statutory maximum sentence of a subsection listed in § 303.15 has increased, the omnibus offense gravity score shall apply, unless the previously assigned offense gravity score is higher.**

(iii) **When the grade or statutory maximum sentence of a subsection listed in § 303.15 has decreased, the omnibus offense gravity score shall apply, unless the previously assigned gravity score is lower.**

(2) [**when the grade or statutory maximum sentence of an offense listed in § 303.15 has increased, unless application of this section would result in a lower Offense Gravity Score; or**] **For an addition of a new subsection of statute.**

(i) **The lowest offense gravity score assigned within the section to the grade or the statutory maximum sentence of the offense shall apply to the new subsection.**

(ii) When the grade or statutory maximum sentence of the new subsection is higher than the highest grade or statutory maximum sentence in the section, the highest assigned OGS in the section shall apply to the new subsection, unless the omnibus offense gravity score is higher.

(iii) When the grade or statutory maximum sentence of the new subsection is lower than the lowest grade or statutory maximum sentence in the section, the lowest assigned OGS in the section shall apply to the new subsection, unless the omnibus offense gravity score is lower.

[(3) when the grade or statutory maximum sentence of an offense listed in § 303.15 has decreased, unless application of this section would result in a higher Offense Gravity Score.

Where the definition of an offense listed in § 303.15 is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score shall apply.]

(g) The Offense Gravity Score of 15 is assigned only for first and second degree murder.

§ 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 (REVO), 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 (REVO).* 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 points 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 REVO or RFEL categories shall be classified in a Point-based Category. The Prior Record Score shall be the sum of the points accrued based on previous convictions or adjudications, up to a maximum of five points.

§ 303.5. Prior Record Score—prior convictions.

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

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

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

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

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

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

§ 303.6. Prior Record Score—prior juvenile adjudications.

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

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

(2) There was an express finding by the juvenile court that the adjudication was for a felony or one of the 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 18 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

Recruiting Criminal Gang Members

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.*

(1) 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.

(2) When the prior conviction or adjudication of delinquency was committed over a range of dates, the later date shall be used to determine if the prior offense meets the criteria in 303.8(a)(1) and is counted in the prior record score.

(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)(1) *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(a)). 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).

(2) *Sentences for offenders under age 18 for murder, murder of unborn child, or murder of law enforcement officer.* If an offender is under age 18 years at the time of the offense and the conviction occurred after June 24, 2012, the court has no authority to impose a sentence less than that required by the mandatory minimum provision established in statute and may impose a minimum sentence up to and including life (18 Pa.C.S. § 1102.1). If the court determines the convicted offender was under age 18 at the time of the offense and the conviction occurred after June 24, 2012, the court shall instead consider the Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder (§ 303.16(b)).

(3) Enhancement sentence recommendations. Guideline sentence recommendations may include sentence enhancements, which provide increases to the basic sentence recommendations when an enhancement factor identified by the Commission is present. Enhancement sentence recommendations are described in § 303.10. The application of an enhancement is determined by the court at sentencing, based on a preponderance of the evidence that the enhancement factor is present. Sentence enhancements can either be mandated by statute or directly adopted by the Commission.

(i) Several approaches are employed to establish enhancement sentence recommendations:

(A) assigning an offense gravity score to the offense that may be higher than comparable offenses without the enhancement, or assigning an offense gravity score equal to a comparable offense that includes the enhancement.

(B) increasing the assignment of an offense gravity score when the enhancement factor is present, which may include a subcategorization of the offense, in which a higher offense gravity score is assigned to the offense when the enhancement factor is present.

(C) adjusting the basic sentencing recommendation when the enhancement factor is present, by adding months to the top and bottom of the standard range.

(ii) If the court determines at sentencing that enhancement factors described in § 303.10 are present, the court shall instead consider the enhancement sentence recommendations described in § 303.10. The enhancement sentence recommendations shall not apply if the enhancement factor is:

(A) an element of the offense used to assign the Offense Gravity Score, pursuant to § 303.3(a); or

(B) a sentencing factor used to subcategorize the offense, pursuant to § 303.3(b).

(b) [Deadly Weapon Enhancement sentence recommendations. Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), if the court determines that an offender possessed a deadly weapon pursuant to § 303.3(a)(1), the court shall instead consider the DWE/Possessed Matrix (§ 303.17(a)). Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), 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 (§ 303.17(b)). 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)] (Reserved).

(c) [School/Youth Enhancement sentence recommendations. If the court determines that an offender violated the drug act pursuant to § 303.10(b), the court shall consider the applicable matrix in § 303.18, related to School, Youth or School and Youth Enhancements. When applying the School 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 Youth 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 the School and Youth 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)] (Reserved).

(d) Aggravated and mitigated sentence recommendations. To determine the aggravated and mitigated sentence recommendations, apply § 303.13. These procedures apply to both basic sentence recommendations and enhancement sentence recommendations.

(e) [Numeric] Confinement sentence recommendations. All numbers used for the ranges of the sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) (partial confinement) and § 9756(b) (total confinement), or the duration of restrictive conditions imposed through an order of probation pursuant to 42 Pa.C.S. § 9754, as described below:

(1) Confinement in a state facility (Department of Corrections) pursuant to:

- (i) 42 Pa.C.S. § 9762(b)(1)
(ii) 42 Pa.C.S. § 9762(b)(2)
(2) Confinement in a county facility pursuant to:
(i) 42 Pa.C.S. § 9762(b)(2)
(ii) 75 Pa.C.S. § 3804(d)
(3) Confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b)(3)
(4) Probation with restrictive conditions pursuant to:
(i) 42 Pa.C.S. § 9763(c) (relating to restrictive DUI probation conditions)
(ii) 42 Pa.C.S. § 9763(d) (relating to restrictive conditions of probation)
(5) Guidelines for restrictive conditions (42 Pa.C.S. § 2154.1)
(i) As required by statute:
(A) Probation guidelines shall address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation (42 Pa.C.S. § 2154(d));
(B) Guidelines for restrictive conditions shall give primary consideration to reducing recidivism for the protection of the public safety (42 Pa.C.S. § 2154.1).
(ii) The guidelines for restrictive conditions shall apply to an offender identified under the guidelines for probation (42 Pa.C.S. § 2154(d)) and the guidelines for restrictive conditions (42 Pa.C.S. § 2154.1) as eligible and appropriate for the use of county intermediate punishments programs as restrictive conditions of probation
(iii) Unless otherwise provided in § 303.12, the recommended duration of the aggregate term of probation imposed during a judicial proceeding may not exceed ten years and the duration of the restrictive conditions of probation (42 Pa.C.S. § 9763(d)) or a combination of confinement without parole (as provided in 42 Pa.C.S. §§ 9755(h) and 9756(c.1)) and restrictive conditions of probation may not exceed the suggested months of minimum 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*] Non-confinement sentence recommendations. Probation with non-restrictive conditions (P) and other restorative sanctions (RS) are non-confinement community-based sentencing alternatives. A sentencing guidelines recommendation of RS suggests use of the least restrictive, non-confinement sentencing alternatives, and the sentencing guidelines recommendation of P suggests use of probation with non-restrictive general conditions, as described below:
(1) Probation guidelines (42 Pa.C.S. § 2154(d))
(i) As required by statute, when serving as a restorative sanction with non-restrictive conditions, probation guidelines shall address the duration of terms of probation.
(ii) When probation is imposed as a restorative sanction, the recommended duration of the term of

probation may not exceed the probation recommendation provided in the Basic Sentencing Matrix (§ 303.16(a)):

(A) P1 = 1 year

(B) P2 = 2 years

(iii) When imposed as a restorative sanction, the recommended aggregate term of probation imposed during a judicial proceeding may not exceed five years.

(iv) Conditions of probation imposed as restorative sanctions shall be limited to those non-restrictive conditions authorized under 42 Pa.C.S. § 9763(b) (related to conditions generally).

(2) Other restorative sanctions include:

(i) 42 Pa.C.S. § 9753 (determination of guilt without further penalty)[, § 9754 (order of probation) and]

(ii) 42 Pa.C.S. § 9758 (fine)—as provided in § 303.14(a)(4) (relating to Fines/Community Service Guidelines)

(iii) 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] Restrictive DUI probation conditions (42 Pa.C.S. § 9763(c)) are 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 Watercraft Under the Influence of Alcohol or a Controlled Substance),] 75 Pa.C.S. § 1543(b) (relating to 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. § 3808(a)(2) (Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock)], former 75 Pa.C.S. § 3731 (related to driving under

the influence of alcohol or controlled substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second or third offense under 75 Pa.C.S. Chapter 38 (related to driving after imbibing alcohol or utilizing drugs). The court may use [a Qualified Restrictive Intermediate Punishment] Restrictive DUI probation conditions pursuant to § 303.12(a)(6) or a combination of confinement and restrictive DUI probation conditions to satisfy the mandatory minimum requirement as provided by law.

[(j) *Criminal Gang Enhancement sentence recommendations.* If the court determines that either a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a violation of 35 P.S. § 780-113(a)(30) is committed in association with a criminal gang, the court shall instead consider the Criminal Gang Enhancement. The enhancement 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). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

(k) *Third Degree Murder of a Victim Younger than Age 13 Enhancement sentence recommendations.* If the court determines that the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the Third Degree Murder of a Victim Younger than Age 13 Enhancement. The enhancement 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). The Third Degree Murder of a Victim Younger than Age 13 Enhancement adds 24 months to the lower limit of the standard range and assigns the statutory limit as the upper limit of the standard range. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(l) *Sexual Abuse of Children Enhancement sentence recommendations.* If the court determines that aggravating circumstances described in § 303.10(e) are present, the court shall instead consider the applicable Sexual Abuse of Children Enhancement related to number of images possessed by the offender or the nature and character of the abuse depicted:

(1) When applying enhancement based on the number of images possessed by the offender. If the offender possessed more than 50 images to 200 images, 6 months are added to the lower limit of the standard range and 6 months are added to the upper limit of the standard range. If the offender possessed more than 200 images to 500 images, 12 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. If the offender possessed more than 500 images, 18 months are added to the lower limit of the standard range and 18 months are added to the upper limit of the standard range.

(2) When applying enhancement based on the nature and character of the abuse depicted. The Offense Gravity Score is one point higher than the

assignments for 18 Pa.C.S. § 6312 (relating to sexual abuse of children) listed in § 303.15.

(3) When applying enhancement when both aggravating circumstances are present. The court shall consider the enhancement with the higher sentence recommendation.

(m) *Arson Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(f) are present, the court shall instead consider the Arson Enhancement. When the Arson Enhancement is applied, the Offense Gravity Score is one point higher than the assignments listed for 18 Pa.C.S. § 3301 (relating to arson) in § 303.15.

(n) *Human Trafficking Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(g) are present, the court shall instead consider the Human Trafficking Enhancement. When the Human Trafficking Enhancement is applied, the Offense Gravity Score assignments listed for 18 Pa.C.S. § 3011 (relating to trafficking in individuals) and § 3012 (relating to involuntary servitude) in § 303.15 are increased by one point for each additional factor listed. The points for each factor (§ 303.10(g)(1)—(4)) shall be cumulative, for a maximum of four points.

(o) *Domestic Violence Enhancement sentence recommendations.* If the court determines that an offender committed an offense against a family or household member as described in § 303.10(h), the court shall instead consider the Domestic Violence Enhancement as described below.

(1) When the enhancement is applied, the Offense Gravity Score assignments listed in § 303.15 are increased by one point. If the court further determines that an offender knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the offender or the victim, the court shall consider ordering the offender to pay the costs or fees associated with the treatment of the minor for exposure to domestic violence.

(2) The following words and phrases when used in this section shall have the following meanings as defined in 23 Pa.C.S. § 6102:

(i) *Family or household member*—Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(ii) *Minor*—An individual who is less than 18 years of age.]

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement, as required by 42 Pa.C.S. § 2154.(b)(3).*

(1) [When] Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), 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(a)). 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 offender intended to use the weapon to threaten or injure another individual.

(2) **[When] Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), 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 (§ 303.17(b)). 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 **or a sentencing factor considered in the Offense Gravity Score assignment**

(x) If the Arson Enhancement under § 303.10(f)(1)(iii) is applied.

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

(5) The DWE/Possessed Matrix (§ 303.17(a)) is based on the following enhancement of the basic sentencing recommendations:

(i) For OGS 1—OGS 4, three months is added to the lower and upper limits of the standard range

(ii) For OGS 5—OGS 8, six months is added to the lower and upper limits of the standard range

(iii) For OGS 9—OGS 14, nine months is added to the lower and upper limits of the standard range

(6) The DWE/Used Matrix (§ 303.17(b)) is based on the following enhancement of the basic sentencing recommendations:

(i) For OGS 1—OGS 4, six months is added to the lower and upper limits of the standard range

(ii) For OGS 5—OGS 8, 12 months is added to the lower and upper limits of the standard range

(iii) For OGS 9—OGS 14, 18 months is added to the lower and upper limits of the standard range

(b) *School/Youth Enhancement.*

(1) When the court determines that the offender distributed a controlled substance to a person or persons under the age of 18, the court shall consider the **[range of sentences described in § 303.9(c)] Youth Enhancement Matrix (§ 303.18(b)).**

(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 **[sentence recommendations described in § 303.9(c)] School Enhancement Matrix (§ 303.18(a)).**

(3) When the court determines both (b)(1) and (b)(2) apply, the court shall consider the **[sentence recommendations described in § 303.9(c)] School and Youth Enhancement Matrix (§ 303.18(c)).**

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

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

(6) The School, Youth and School and Youth Enhancement Matrices are based on the following enhancements of the basic sentencing recommendations:

(i) For the School Enhancement Matrix (§ 303.18(a)), six months is added to the lower limits and 12 months is added to the upper limits of the standard range

(ii) For the Youth Enhancement Matrix (§ 303.18(b)), 12 months is added to the lower limits and 24 months is added to the upper limits of the standard range

(iii) For School and Youth Enhancement Matrix (§ 303.18(c)), 18 months is added to the lower limits and 36 months is added to the upper limits of the standard range

(c) *Criminal Gang Enhancement, as required by 42 Pa.C.S. § 9720.4.*

(1) When the court determines that the offender committed a crime of violence as defined in 42 Pa.C.S. § 9714(g) in association with a criminal gang, the court shall **[instead]** consider the sentence recommendations described in **[§ 303.9(j)] subsection (c)(4).**

(2) When the court determines that the offender committed a violation of 35 P.S. § 780-113(a)(30) in association with a criminal gang, the court shall **[instead]** consider the sentence recommendations described in **[§ 303.9(j)] subsection (c)(4).**

(3) The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.

(4) The enhancement 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). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

(d) *Third Degree Murder of a Victim Younger than Age 13 Enhancement, as required by 42 Pa.C.S. § 9711.1.*

(1) When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall [**instead**] consider the sentence recommendations described in [**§ 303.9(k)**] **subsection (d)(3)**.

(2) Third Degree Murder of a Victim Younger than Age 13 Enhancement shall apply to each violation which meets the criteria above.

(3) The enhancement adds 24 months to the lower limit of the standard range and assigns the statutory limit as the upper limit of the standard range. The sentence imposed will be served consecutive to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(e) *Sexual Abuse of Children Enhancement, as required by 42 Pa.C.S. § 9720.5.*

(1) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the offender possessed more than 50 images, the court shall [**instead**] consider the sentence recommendations described in [**§ 303.9(l)(1)**] **subsection (e)(4)**. For purposes of this enhancement, the number of images is defined as follows:

(i) Each photograph, picture, computer generated image, or any similar visual depiction shall be considered to be one image.

(ii) Each video, video-clip, movie, or similar visual depiction shall be considered to have 50 images.

(2) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the abuse depicted in the images possessed by the offender were of a sexual or violent nature or character, the court shall [**instead**] consider the sentence recommendations described in [**§ 303.9(l)(2)**] **subsection (e)(4)**. This enhancement shall apply to any image possessed by the offender which portrays or contains any of the following:

(i) the bondage of a child;

(ii) a dangerous weapon as defined in 18 Pa.C.S. § 913 used in a sexual context;

(iii) penetration or attempted penetration of a child; or

(iv) an act which would constitute a crime under 18 Pa.C.S. Chapter 25 (relating to criminal homicide), 18 Pa.C.S. Chapter 27 (relating to assault) or 18 Pa.C.S. Chapter 31 (relating to sexual offenses).

(3) Sexual Abuse of Children Enhancement shall apply to each violation which meets the criteria above.

(4) The enhancement related to the number of images possessed by the offender or the nature and character of the abuse depicted provides the following:

(i) When applying enhancement based on the number of images possessed by the offender, if the

offender possessed more than 50 images to 200 images, 6 months are added to the lower limit of the standard range and 6 months are added to the upper limit of the standard range; if the offender possessed more than 200 images to 500 images, 12 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range; if the offender possessed more than 500 images, 18 months are added to the lower limit of the standard range and 18 months are added to the upper limit of the standard range;

(ii) When applying enhancement based on the nature and character of the abuse depicted, the Offense Gravity Score is one point higher than the assignments for 18 Pa.C.S. § 6312 (relating to sexual abuse of children) listed in § 303.15;

(iii) When applying enhancement when both aggravating circumstances are present, the court shall consider the enhancement with the higher sentence recommendation.

(f) *Arson Enhancement, as required by 42 Pa.C.S. § 9720.6.*

(1) When the court determines that one or more of the following factors relating to arson as defined in 18 Pa.C.S. § 3301 are present, the court shall [**instead**] consider the sentence recommendations described in [**§ 303.9(m)**] **subsection (f)(3)**:

(i) more than three persons were present inside the property at the time of the offense;

(ii) the fire caused more than \$1,000,000 in property damage; or

(iii) the actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting paramilitary training).

(2) Arson Enhancement shall apply to each violation which meets the criteria above.

(3) When the Arson Enhancement is applied, the Offense Gravity Score is one point higher than the assignments listed for 18 Pa.C.S. § 3301 (relating to arson) in § 303.15.

(g) *Human Trafficking Enhancement, as required by 18 Pa.C.S. § 3024.*

(1) When the court determines that the offender committed a violation of human trafficking as defined in 18 Pa.C.S. § 3011 (trafficking in individuals) or § 3012 (involuntary servitude), and any of the following factors were present and not otherwise included **as an element of the offense or a sentencing factor considered** in the offense gravity score assignment in § 303.15, the court shall [**instead**] consider the sentence recommendations as described in [**§ 303.9(n)**] **subsection (g)(2)**:

[(1)] (i) the offender committed a violation involving sexual servitude;

[(2)] (ii) the victim was a minor less than 18 years of age;

[(3)] (iii) an additional point is added if the victim was a minor less than 13 years of age;

[(4)] (iv) in the course of committing a violation, the offender also violated one or more of the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping); or
 18 Pa.C.S. § 3121 (relating to rape); or
 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(2) When the Human Trafficking Enhancement is applied, the Offense Gravity Score assignments listed for 18 Pa.C.S. § 3011 (relating to trafficking in individuals) and § 3012 (relating to involuntary servitude) in § 303.15 are increased by one point for each additional factor listed. The points for each factor (subsections (i)—(iv)) shall be cumulative, for a maximum of four points.

(h) Domestic Violence Enhancement, as required by 42 Pa.C.S. § 9720.8.

(1) When the court determines that the offender committed an offense under 18 Pa.C.S. Chapters 25, 27, 29, 30, 31, or 49 against a family or household member as defined in 23 Pa.C.S. § 6102, the court shall [**instead**] consider the sentence recommendation in [**§ 303.9(o)**] subsection (h)(2).

(2) When the Domestic Violence Enhancement is applied, the Offense Gravity Score assignments listed in § 303.15 are increased by one point. If the court further determines that an offender knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the offender or the victim, the court shall consider ordering the offender to pay the costs or fees associated with the assessment and treatment of the minor for exposure to domestic violence.

(3) The following words and phrases when used in this section shall have the following meanings as defined in 23 Pa.C.S. § 6102:

“Family or household member.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Minor.” An individual who is less than 18 years of age.

(i) Other Enhancements.

(1) The following enhancements are provided in the sentencing guidelines through the assignment of an Offense Gravity Score or the subcategorization of the offense:

(i) 18 Pa.C.S. § 3133 (relating to sexual extortion, and the complainant is under 18 years of age or has an intellectual disability or the actor holds a position of trust or supervisory or disciplinary power over the complainant.)

(ii) 18 Pa.C.S. § 3301 (relating to arson, and bodily injury to firefighter, police officer, etc. or serious bodily injury to civilian) as provided in 42 Pa.C.S. § 4720.6.

(iii) 18 Pa.C.S. § 3502(a)(1)(i) (relating to home invasion burglary) as provided in 42 Pa.C.S. § 9720.7.

(iv) 18 Pa.C.S. § 3702 (relating to robbery of a motor vehicle).

(v) 18 Pa.C.S. § 6105(a.1)(1.1) (relating to person not to possess, use, manufacture, control, sell or

transfer firearms, and the person was previously convicted or was in physical possession of a firearm).

(vi) 18 Pa.C.S. § 6312 (relating to sexual abuse of children based on aggravating circumstances such as the age of the child or a determination of prepubescence) as provided in 42 Pa.C.S. § 9720.5.

(vii) 75 Pa.C.S. § 3732 (relating to homicide by vehicle, and including DUI, active work zone, and/or violation of Sections 1501, 1543, 3316, 3325, and 3327).

(viii) 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle, and including DUI, active work zone, and/or violation of Sections 1501, 1543, 3316, 3325, and 3327).

(vix) 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury if the victim dies).

(2) As provided in § 303.9(a)(3)(ii), no further enhancement applies.

§ 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, **a common starting point with a range of recommendations for the typical offender.** The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation.

The sentencing guidelines provide recommendations regarding the type of disposition, the duration of confinement and/or community supervision, the intensity of conditions, and the requirements associated with restitution and other economic sanctions. While the sentencing guidelines provide a retributive framework for sentencing, other factors may impact the sentencing decision and other information may assist the court in determining an appropriate and individualized sentence. These include: (1) mandatory minimum sentencing provisions, which when applicable supersede the sentencing guidelines recommendations; (2) diagnostic evaluations of dependency on alcohol and other drugs and clinically prescribed treatment; and (3) the use of validated assessments of risk, needs and responsivity and related evidence-based practices to guide decisions related to the intensity and duration of community supervision.

While courts are required to consider the guidelines at sentencing, Pennsylvania's sentencing guidelines are advisory: **“Guidelines serve the laudatory role of aiding and enhancing the judicial exercise of judgement by the Court in imposing a sentence...they are advisory guideposts that are valuable, may provide an essential starting point, and that must be respected and considered; they recommend, however, than require a particular sentence.”** *Com. v. Walls* (926 A.2d 957) (Pa., 2007).

The imposition of a sentence involves decisions beyond disposition and duration, such as place of confinement, paroling authority and intensity of community supervision. In many cases the court is

required to determine the eligibility and appropriateness of individuals for program participation, including as provided in § 303.12: county intermediate punishment programs as restrictive conditions of probation, numerous state correctional programs operated by the Pennsylvania Department of Corrections, and reentry programs authorized at the time of sentencing. Additionally, the specialized jurisdiction of problem-solving courts, as authorized by 42 Pa.C.S. § 916, provide an avenue for the use of court-supervised individualized treatment programs and services.

(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, Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, **the court should consider the guidelines to determine the appropriateness and eligibility for probation with restrictive conditions as described in § 303.12(a) and county reentry as described in § 303.12(f)(1).** When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, **the court should consider the guidelines to determine the appropriateness and eligibility for certain correctional programs, including State Motivational Boot Camp, State Drug Treatment Program, Recidivism Risk Reduction Incentive Program and Short Sentence Parole as described in § 303.12(b)—(e).** 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)] non-confinement sentencing recommendations as provided in § 303.9(f).** The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. **[The following sentencing options are 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 sentencing recommendations as provided in § 303.9(f) and confinement sentencing recommendations served in a county facility as provided in § 303.9(e)(2), (3) and (4).** 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

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] confinement sentencing recommendations as provided in § 303.9(e),** 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 12 months or less applies and for which **[a state or county intermediate punishment sentence] the use of restrictive DUI probation conditions as provided in § 303.9(e)(4)(i)** 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 pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

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 confinement sentencing recommendations as provided in § 303.9(e) **[state incarceration]** but permits it to be served in a county facility **[pursuant to 42 Pa.C.S. § 9762(b)] as provided in § 303.9(e)(2)(i).** The standard range is defined as having a lower limit of incarceration of 12 months or greater 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] the use of restrictive DUI probation conditions as provided in § 303.9(e)(4)(i) and certain correctional programs as provided in § 303.12** are 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, pursuant to 42 Pa.C.S. § 9762(b), and some non-violent offenders]** may benefit from drug and alcohol treatment. If eligible, **[state or county intermediate punishment is] sentencing and correctional programs provided in § 303.12** are 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 pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

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 **and requires a confinement sentence recommendations as provided in § 303.9(e)**, or the standard range requires [**state incarceration in a state facility**] **a confinement sentence recommendations in a state facility as provided in § 303.9(e)(1)**. 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**] **the use of restrictive DUI probation conditions as provided in § 303.9(e)(4)(i) and certain correctional programs as provided in § 303.12 are** 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**] **sentencing and correctional programs provided in § 303.12 are** 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 pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

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

§ 303.12. Guideline sentence recommendations: sentencing **and correctional** programs.

(a) *County intermediate punishment (CIP) programs as restrictive conditions of probation. County intermediate punishment programs are developed,*

implemented and operated for the following purposes: to protect society and promote efficiency and economy in the delivery of correctional services; to promote accountability of offenders to their local community; to fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the court; and to provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

(1) *Eligibility.*

(i) The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs **as restrictive conditions of probation:**

37 Pa. Code [§ 451.1] § 451.111 et seq.

42 Pa.C.S.[§] §§ 2154, 2154.1, 9754, 9763, § 9773 and Chapter 98

204 Pa. Code [§ 303.8 and] § 303.9 and § 303.11

(ii) Sentence recommendations which include an option of county intermediate punishment **programs as restrictive conditions of probation** for certain offenders are [**designated in the guideline matrices**] **described in § 303.9(e)(4) and (5).**

(2) The county intermediate punishment plan, **as described in 42 Pa.C.S. Chapter 98**, 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*] **(Reserved).**

(4) *Restrictive [Intermediate Punishments (RIP)] conditions of probation.* Restrictive [**Intermediate Punishments**] **conditions of probation, as provided in 42 Pa.C.S. § 9763(d)**, 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 **statutory requirements for restrictive DUI probation conditions (relating to 42 Pa.C.S. § 9763(c)) and restrictive conditions of probation (relating to 42 Pa.C.S. § 9763(d)) and the** minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa. Code Chapter

451) for county intermediate punishments, **and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1 relating to adoption of guidelines for restrictive conditions.**

(i) Restrictive [**Intermediate Punishments (RIP) either**] **conditions of probation:**

(A) house the [**offender**] **person** full **time** or part time; or

(B) significantly restrict the [**offender's**] **person's** movement and monitor the offender's compliance with the [**program(s); or**] **program, including electronic monitoring or home confinement.**

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

(ii) An offender under consideration for [**Restrictive Intermediate Punishments**] **restrictive conditions of probation** 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 Drug and Alcohol Programs or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the Department 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**] **restrictive conditions of probation**, 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**] **restrictive condition of probation**. Each day of participation in a [**Restrictive Intermediate Punishment program or combination of programs**] **restrictive condition of probation** 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**] **restrictive DUI probation conditions** 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] **(Reserved).**

(6) [**Qualified Restrictive Intermediate Punishments**] **Restrictive DUI probation conditions.** In accordance with 42 Pa.C.S. [§§] § 9763(c)[, 9804(b) and 37 Pa. Code § 451, **Qualified Restrictive Intermediate Punishment programs**] and § 303.9, **restrictive DUI probation conditions** 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[,] **or** 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**] **Restrictive DUI probation condition** include:

(A) if the [**offender**] **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 a first, second or third offense under 75 Pa.C.S. Chapter 38, [**or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment**] **a sentence with restrictive DUI probation conditions** shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and [**may be combined with**] **shall have restrictive DUI probation conditions of:**

(I) a residential inpatient program or residential rehabilitative center;

(II) house arrest with electronic surveillance;

(III) a partial confinement program such as work release, a work camp or a halfway facility; or

(IV) any combination of [**Qualified Restrictive Intermediate Punishment**] **these** programs.

(B) if the [**offender**] **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**] **the defendant shall have restrictive DUI probation conditions of:**

(I) house arrest with electronic surveillance; or

(II) partial confinement programs such as work release, a work camp or a halfway facility; or

(III) any combination of [**Qualified Restrictive Intermediate Punishment**] **these** programs.

(b) **State Motivational Boot Camp (BC). A program for eligible persons committed to the Department of Corrections in which inmates participate for a period of six months in a humane program which provides rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, continuing education, vocational training, prerelease counseling and community corrections aftercare.**

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: 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(a).) Boot Camp is recommended for eligible persons less than 40 years of age committed to the Department of Corrections with a minimum term not more than two years and a maximum term of five years or less; or a minimum term not more than three years and within two years of completing the minimum term. The court may exercise discretion to exclude the person from eligibility. If eligible, the person must give consent to enter the program.

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the [offender is authorized as eligible] person is excluded from eligibility 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.

(3) Upon successful completion of the program, the person shall be immediately released on parole, subject to intensive supervision. Expulsion from the program results in the person's continued service of the original sentence imposed, with consideration of parole upon completion of the minimum term.

(c) [State Intermediate Punishment (SIP).] State Drug Treatment Program (SDP). A 24-month program for drug-related persons committed to the Department of Corrections designed to address the individually assessed drug and alcohol abuse and addition needs of a participant and to address other issues essential to the participant's successful reintegration into the community, including, but not limited to, educational and employment issues.

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for [State Intermediate Punishment] State Drug Treatment Program: 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.] State Drug Treatment Program is recommended for eligible persons convicted of drug-related offenses committed to the Department of Corrections with a minimum term not more than two years and a maximum term of five years or less; or a minimum term not more than five years and within two years of completing the minimum term. The court and the prosecutor may exercise discretion to exclude the person from eligibility. If eligible, the person must give consent to enter the program, and the DOC assessment must conclude that the person is in need of drug and alcohol addiction treatment.

(2) The court [may, upon motion of the Commonwealth, commit an offender to the custody of the Department of Corrections for the purpose of evaluating whether the offender would benefit from

a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate] shall indicate on the offender's commitment order and the Guideline Sentence Form if the person is excluded from eligibility for the State Drug Treatment Program. The Department of Corrections makes the final determination as to whether the offender will be accepted into the State Drug Treatment Program.

(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, the court may sentence an eligible offender to a period of 24 months of state intermediate punishment] successful completion of the program, the entire term of confinement that rendered the person eligible to participate in the State Drug Treatment Program shall be deemed to have been served. Expulsion from the program results in the person's continued service of the original sentence imposed, with consideration of parole upon completion of the minimum term.

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

(d) Recidivism Risk Reduction Incentive (RRRI). A program to encourage eligible non-violent offenders committed to the Department of Corrections to participate in and successfully complete evidence-based programs that reduce the likelihood of recidivism and improve public safety.

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the Recidivism Risk Reduction Incentive Program: 61 Pa.C.S. Chapter 45.

(ii) Recidivism Risk Reduction Incentive Program is an individualized plan that contains approved treatment and other approved programs designed to reduce recidivism risk of a specific inmate. If the court determines the person committed to the Department is statutorily eligible, the court shall provide notice of eligibility to the person, and the court shall direct the Department to calculate the RRRI minimum sentence.

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the person is eligible and direct the Department to calculate the RRRI minimum sentence. The RRRI minimum sentence is three-fourths of the minimum sentence when the minimum sentence is three years or less. The RRRI minimum sentence is offender is five-sixths of the minimum sentence when the minimum sentence is greater than three years.

(3) Upon certification by the Department that the person has completed all requirements of the program and remains an eligible offender, the Parole Board may grant parole upon the expiration of the RRRI minimum sentence.

(e) Short Sentence Parole (SSP). A program for eligible non-violent offenders committed to the Department of Corrections with an aggregate mini-

imum sentence of confinement of two years or less for which parole at minimum without an interview is authorized

(1) Eligibility.

(i) The following statute governs operation of and eligibility for Short Sentence Parole: 61 Pa.C.S. § 6137.1.

(ii) Short Sentence Parole requires the Parole Board to approve for parole an eligible person at the expiration of the minimum date or RRRRI minimum date, whichever is shorter, without requiring an interview.

(2) A person shall not be eligible for Short Sentence Parole if found guilty of a major disciplinary infraction while confined in a county or state correctional institution, or has pending felony charges.

(f) Reentry Programs

(1) County Reentry Program (as provided in 42 Pa.C.S. § 9756(b)(3))

(i) A release plan that may include drug and alcohol treatment, behavioral health treatment, job training, skills training, education, life skills or any other condition deemed relevant by the court.

(ii) At the time of sentencing, the court shall state whether or not the defendant is eligible to participate in a reentry plan at any time prior to the expiration of the minimum sentence or at the expiration of a specified portion of the minimum sentence.

(iii) The reentry plan eligibility shall be considered a party of the sentence and subject to the requirements related to the entry, recording and reporting of sentences.

(2) State Reentry Supervision (as provided in 61 Pa.C.S. § 6137.2)

(i) Requirement that applies to persons committed to the Department of Corrections with an aggregate minimum sentence of total confinement of four years or more.

(ii) At the time of sentencing, a period of reentry supervision of 12 months shall be imposed consecutive to and in addition to any other lawful sentence issued by the court.

(iii) The Court may impose the period of reentry supervision required in addition to the maximum sentence permitted for the offense for which the person was convicted.

(iv) Persons who have been granted any period of parole during the same period of incarceration shall be deemed to have served the reentry supervision requirement.

(3) Mandatory period of probation for certain sexual offenders (as provided in 42 Pa.C.S. § 9718.5)

(i) Requirement that applies to persons convicted of an offense under 42 Pa.C.S. § 9799.14(d) (relating to sexual offenses and tier system)

(ii) At the time of sentencing, a mandatory period of probation of three years shall be imposed consecutive to and in addition to any other lawful sentence issued by the court.

(iii) The court may impose the term of probation required in addition to the maximum sentence permitted for the offense for which the person was convicted.

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

(a) [When] Unless otherwise prohibited by statute, when the court determines that an aggravating [circumstance(s)] circumstance is present, [it] including consideration of validated assessments of risk, needs and responsivity to guide decisions related to the intensity of intervention, use of restrictive conditions and duration of community supervision, the court 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] 1—3.

(b) [When] Unless otherwise prohibited by statute, when the court determines that a mitigating [circumstance(s)] circumstance is present, [it] including consideration of validated assessments of risk, needs and responsivity to guide decisions related to the intensity of intervention, use of restrictive conditions and duration of community supervision, the court 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**] **an enhancement** is applied may the mitigated sentence recommendation be lower than [**3 months**] **the duration of the enhancement of the standard range described in § 303.10.**

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

(8) In no case where the Criminal Gang Enhancement is applied may the mitigated sentence recommendation be lower than 12 months.

(9) In no case where the Third Degree Murder of a Victim Younger than Age 13 Enhancement is applied may the mitigated sentence recommendation be lower than 96 months.

(10) In no case shall a mitigated sentence for offenders under age 18 for murder of the first or second degree, murder of unborn child of the first or second degree, or murder of law enforcement officer of the first or second degree be less than the mandatory minimum established in statute (18 Pa.C.S. § 1102.1).

(11) In no case where the Sexual Abuse of Children Enhancement involving number of images is applied may the mitigated sentence recommendation be lower than 6 months for possession of greater than 50 to 200 images, be lower than 12 months for possession of greater than 200 to 500 images, and be lower than 18 months for greater than 500 images.]

(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 sub-

stances. 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**] **a condition of probation** (see [**restorative sanction**] **non-confinement sentence recommendations** § 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)] (i) *OGS 1*

[i.] (A) PRS 0 25 hours-50 hours

[ii.] (B) PRS 1 50 hours-75 hours

[iii.] (C) PRS 2 75 hours-100 hours

[iv.] (D) PRS 3 100 hours-125 hours

[v.] (E) PRS 4 125 hours-150 hours

[vi.] (F) PRS 5 150 hours-175 hours

[(B)] (ii) *OGS 2*

[i.] (A) PRS 0 25 hours-50 hours

[ii.] (B) PRS 1 75 hours-100 hours

[iii.] (C) PRS 2 100 hours-125 hours

[iv.] (D) PRS 3 125 hours-150 hours

[v.] (E) PRS 4 150 hours-175 hours

[(C)] (iii) *OGS 3*

[i.] (A) PRS 0 50 hours-75 hours

[ii.] (B) PRS 1 150 hours-175 hours

[iii.] (C) PRS 2 225 hours-250 hours

[iv.] (D) PRS 3 300 hours-325 hours

[(D)] (iv) *OGS 4*

[i.] (A) PRS 0 100 hours-125 hours

[ii.] (B) PRS 1 225 hours-250 hours

[iii.] (C) PRS 2 300 hours-325 hours

[(E)] (v) *OGS 5*

[i.] (A) PRS 0 225 hours-250 hours

(b) *Costs and fees.*

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

- (i) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)
- (ii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)

(iii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)

(iv) 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs)

(v) 42 Pa.C.S. § 9728(b.2) (relating to mandatory payment of costs)

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

(i) 18 Pa.C.S. § 1109 (relating to costs of any reward)

(ii) 42 Pa.C.S. § 1725 (relating to establishment of fees and charges)

(iii) 42 Pa.C.S. § 1725.1 (relating to costs)

(iv) 42 Pa.C.S. § 1725.2 (relating to assumption of summary conviction costs by county)

(v) 42 Pa.C.S. § 1726.1 (relating to forensic exam costs for sexual offenses)

(vi) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)

(vii) 42 Pa.C.S. § 9728(g) (relating to costs, etc.)

(3) Costs and fees, in addition to those required by law, shall be considered by the court pursuant to the Domestic Violence Enhancement (§ 303.9(o)), as authorized by law.

(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 Pa.C.S. § 1107.1 (relating to restitution for identity theft)

(iv) 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories)

(iii) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)

(v) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)

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

§ 303.15. **Offense Listing.**

CRIMES CODE OFFENSES

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 901 | Criminal attempt (Inchoate) | 18 Pa.C.S. § 905 | See § 303.3(c) | See § 303.8(b) |
| 902 | Criminal solicitation (Inchoate) | 18 Pa.C.S. § 905 | See § 303.3(c) | See § 303.8(b) |
| 903 | Criminal conspiracy (Inchoate) | 18 Pa.C.S. § 905 | See § 303.3(c) | See § 303.8(b) |
| 907(a) | Possessing instruments of crime (criminal instruments) | M-1 | 3 | m |
| 907(b) | Possessing instruments of crime (weapon) | M-1 | 4 | 1 |
| 907(c) | Possessing instruments of crime (unlawful body armor) | F-3 | 5 | 1 |
| 908(a) | Prohibited offensive weapons | M-1 | 4 | 1 |
| 908.1(a)(1) | Use electric incapacitation device (intent to commit felony) | F-2 | 8 | 2 |
| 908.1(a)(1) | Use electric incapacitation device (no intent to commit felony) | M-1 | 5 | 1 |
| 908.1(a)(2) | Possess electric incapacitation device (intent to commit felony) | F-2 | 7 | 2 |
| 908.1(a)(2) | Possess electric incapacitation device (no intent to commit felony) | M-1 | 4 | 1 |
| 909(a) | Manufacture/etc.-master key for motor vehicle | M-1 | 3 | m |
| 910(a)(1)(i) | Manufacture/etc.-device for theft of telecommunications (>50 devices) | F-2 | 8 | 2 |
| 910(a)(1)(i) | Manufacture/etc.-device for theft of telecommunications (10-50 devices) | F-3 | 6 | 1 |
| 910(a)(1)(i) | Manufacture/etc.-device for theft of telecommunications (1st off) | M-1 | 4 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--|--|
| 910(a)(1)(i) | Manufacture/etc.-device for theft of telecommunications (2nd off) | F-3 | 6 | 1 |
| 910(a)(1)(i) | Manufacture/etc.-device for theft of telecommunications (3rd/subsq off) | F-2 | 8 | 2 |
| 910(a)(1)(ii) | Manufacture/etc.-device to conceal telecommunications (>50 devices) | F-2 | 8 | 2 |
| 910(a)(1)(ii) | Manufacture/etc.-device to conceal telecommunications (10-50 devices) | F-3 | 6 | 1 |
| 910(a)(1)(ii) | Manufacture/etc.-device to conceal telecommunications (1st off) | M-1 | 4 | m |
| 910(a)(1)(ii) | Manufacture/etc.-device to conceal telecommunications (2nd off) | F-3 | 6 | 1 |
| 910(a)(1)(ii) | Manufacture/etc.-device to conceal telecommunications (3rd/subsq off) | F-2 | 8 | 2 |
| 910(a)(2)(i) | Sell/etc. unlawful telecommunications device (>50 devices) | F-2 | 8 | 2 |
| 910(a)(2)(i) | Sell/etc. unlawful telecommunications device (10-50 devices) | F-3 | 6 | 1 |
| 910(a)(2)(i) | Sell/etc. unlawful telecommunications device (1st off) | M-1 | 4 | m |
| 910(a)(2)(i) | Sell/etc. unlawful telecommunications device (2nd off) | F-3 | 6 | 1 |
| 910(a)(2)(i) | Sell/etc. unlawful telecommunications device (3rd/subsq off) | F-2 | 8 | 2 |
| 910(a)(2)(ii) | Sell/etc. material for unlawful telecommunications device (>50 devices) | F-2 | 8 | 2 |
| 910(a)(2)(ii) | Sell/etc. material for unlawful telecommunications device (10-50 devices) | F-3 | 6 | 1 |
| 910(a)(2)(ii) | Sell/etc. material for unlawful telecommunications device (1st off) | M-1 | 4 | m |
| 910(a)(2)(ii) | Sell/etc. material for unlawful telecommunications device (2nd off) | F-3 | 6 | 1 |
| 910(a)(2)(ii) | Sell/etc. material for unlawful telecommunications device (3rd/subsq) | F-2 | 8 | 2 |
| 911(b)(1) | Corrupt organizations | F-1 | 8 | 3 |
| 911(b)(2) | Corrupt organizations-interest in/control of enterprise | F-1 | 8 | 3 |
| 911(b)(3) | Corrupt organizations-employee participation | F-1 | 8 | 3 |
| 911(b)(4) | Corrupt organizations-conspire | F-1 | 8 | 3 |
| 912(b) | Possession of weapon on school property | M-1 | 4 | 1 |
| 913(a)(1) | Possession of weapon in court facility | M-3 | 1 | m |
| 913(a)(2) | Possession of weapon in court facility (intend for crime) | M-1 | 3 | 1 |
| 2102(a)(1) | Desecration of flag (marks or writing) | M-3 | 1 | m |
| 2102(a)(2) | Desecration of flag (public view of defiled flag) | M-3 | 1 | m |
| 2102(a)(3) | Desecration of flag (manufactures for advertisement) | M-3 | 1 | m |
| 2102(a)(4) | Desecration of flag (defile/mutilate) | M-3 | 1 | m |
| 2103 | Insults to national or Commonwealth flag | M-2 | 2 | m |
| 2502 Inchoate | —Attempt/solicitation/conspiracy to Murder (SBI) | 18 Pa.C.S. § 1102(c) | 14 | 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--|--|
| 2502 Inchoate | —Attempt/solicitation/conspiracy to Murder (No SBI) | 18 Pa.C.S. § 1102(c) | 13 | 4 |
| 2502(a) | Murder-1st degree | Murder of 1st Degree | 15 | 4 |
| 2502(a) | Murder-1st degree (offender 15-<18 yrs) | Murder of 1st Degree | 15 | 4 |
| 2502(a) | Murder-1st degree (offender <15 yrs) | Murder of 1st Degree | 15 | 4 |
| 2502(b) | Murder-2nd degree | Murder of 2nd Degree | 15 | 4 |
| 2502(b) | Murder-2nd degree (offender 15-<18 yrs) | Murder of 2nd Degree | 15 | 4 |
| 2502(b) | Murder-2nd degree (offender <15 yrs) | Murder of 2nd Degree | 15 | 4 |
| 2502(c) | Murder-3rd degree | F-1 | 14 | 4 |
| 2502(c) | Murder-3rd degree (victim <13 yrs) | F-1 | 14 | 4 |
| 2503(a)(1) | Voluntary manslaughter (provocation from victim) | F-1 | 11 | 4 |
| 2503(a)(2) | Voluntary manslaughter (provocation from another) | F-1 | 11 | 4 |
| 2503(b) | Voluntary manslaughter (believe justified) | F-1 | 11 | 4 |
| 2504(a) | Involuntary manslaughter (victim <12 yrs) | F-2 | 8 | 2 |
| 2504(a)* | Involuntary manslaughter (with DUI conviction) | M-1 | 8 | 1 |
| 2504(a)* | Involuntary manslaughter (with BUI conviction) | M-1 | 8 | 1 |
| 2504(a)* | Involuntary manslaughter | M-1 | 6 | 1 |
| 2505(a) | Suicide, causing (as homicide/murder 1) | Murder of 1st Degree | 15 | 4 |
| 2505(a) | Suicide, causing (as homicide/murder 2) | Murder of 2nd Degree | 15 | 4 |
| 2505(a) | Suicide, causing (as homicide/murder 3) | F-1 | 14 | 4 |
| 2505(a) | Suicide, causing (as homicide/vol manslaughter) | F-1 | 11 | 4 |
| 2505(a) | Suicide, causing (as homicide/invol. manslaughter) | M-1 | 6 | 1 |
| 2505(a) | Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs) | F-2 | 8 | 2 |
| 2505(a) | Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv) | M-1 | 8 | 1 |
| 2505(b) | Suicide, aiding or soliciting (positive result) | F-2 | 6 | 2 |
| 2505(b) | Suicide, aiding or soliciting (no result) | M-2 | 2 | m |
| 2506(a) | Drug delivery resulting in death | F-1 | 13 | 4 |
| 2507 Inchoate | —Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI) | 18 Pa.C.S. § 1102(c) | 14 | 4 |
| 2507 Inchoate | —Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI) | 18 Pa.C.S. § 1102(c) | 13 | 4 |
| 2507(a) | Murder of law enforcement officer-1st degree | Murder of 1st Degree | 15 | 4 |
| 2507(a) | Murder of law enforcement officer-1st degree (offender 15-<18 yrs.) | Murder of 1st Degree | 15 | 4 |
| 2507(a) | Murder of law enforcement officer-1st degree (offender <15 yrs.) | Murder of 1st Degree | 15 | 4 |
| 2507(b) | Murder of law enforcement officer-2nd degree | Murder of 2nd Degree | 15 | 4 |
| 2507(b) | Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.) | Murder of 2nd Degree | 15 | 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--|--|
| 2507(b) | Murder of law enforcement officer-2nd degree (offender <15 yrs.) | Murder of 2nd Degree | 15 | 4 |
| 2507(c)(1)(i) | Manslaughter of law enforcement officer (1st degree/provocation by victim) | F-1 | 14 | 4 |
| 2507(c)(1)(ii) | Manslaughter of law enforcement officer (1st degree/provocation by another) | F-1 | 14 | 4 |
| 2507(c)(2) | Manslaughter of law enforcement officer (1st degree/believe justified) | F-1 | 14 | 4 |
| 2507(d) | Manslaughter of law enforcement officer (2nd degree) | F-2 | 9 | 4 |
| 2604 Inchoate | —Attempt/solicitation/conspiracy to Murder of unborn child (SBI) | 18 Pa.C.S. § 1102(c) | 14 | 4 |
| 2604 Inchoate | —Attempt/solicitation/conspiracy to Murder of unborn child (No SBI) | 18 Pa.C.S. § 1102(c) | 13 | 4 |
| 2604(a)(1) | Murder of unborn child-1st degree | Murder of 1st Degree | 15 | 4 |
| 2604(a)(1) | Murder of unborn child-1st degree (offender 15-<18 yrs.) | Murder of 1st Degree | 15 | 4 |
| 2604(a)(1) | Murder of unborn child-1st degree (offender <15 yrs.) | Murder of 1st Degree | 15 | 4 |
| 2604(b)(1) | Murder of unborn child-2nd degree | Murder of 2nd Degree | 15 | 4 |
| 2604(b)(1) | Murder of unborn child-2nd degree (offender 15-<18 yrs.) | Murder of 2nd Degree | 15 | 4 |
| 2604(b)(1) | Murder of unborn child-2nd degree (offender <15 yrs.) | Murder of 2nd Degree | 15 | 4 |
| 2604(c)(1) | Murder of unborn child-3rd degree | F-1 | 14 | 4 |
| 2605(a)(1) | Voluntary manslaughter of unborn child (provocation from mother) | F-1 | 11 | 4 |
| 2605(a)(2) | Voluntary manslaughter of unborn child (provocation from another) | F-1 | 11 | 4 |
| 2605(b) | Voluntary manslaughter of unborn child (believe justified) | F-1 | 11 | 4 |
| 2606(a)* | Aggravated assault of unborn child (causes SBI) | F-1 | 11 | 4 |
| 2606(a)* | Aggravated assault of unborn child (attempts to cause SBI) | F-1 | 10 | 3 |
| 2701(a)(1) | Simple assault-attempt/cause BI | M-2 | 3 | m |
| 2701(a)(1) | Simple assault-attempt/cause BI (against child <12 by adult >=18) | M-1 | 4 | 1 |
| 2701(a)(1) | Simple assault-attempt/cause BI (mutual consent) | M-3 | 1 | m |
| 2701(a)(2) | Simple assault-cause BI w/ deadly weapon | M-2 | 3 | m |
| 2701(a)(2) | Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18) | M-1 | 4 | 1 |
| 2701(a)(2) | Simple assault-cause BI w/ deadly weapon (mutual consent) | M-3 | 1 | m |
| 2701(a)(3) | Simple assault-cause fear of SBI | M-2 | 3 | m |
| 2701(a)(3) | Simple assault-cause fear of SBI (against child <12 by adult >=18) | M-1 | 4 | 1 |
| 2701(a)(3) | Simple assault-cause fear of SBI (mutual consent) | M-3 | 1 | m |
| 2701(a)(4) | Simple assault-penetrate w/ hypodermic needle | M-2 | 3 | m |
| 2701(a)(4) | Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18) | M-1 | 4 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|------------------------------|---|------------------------|--------------------------------------|--|
| 2701(a)(4) | Simple assault-penetrate w/ hypodermic needle (mutual consent) | M-3 | 1 | m |
| 2702(a)(1)* | Aggravated assault-cause SBI | F-1 | 11 | 4 |
| 2702(a)(1)* | Aggravated assault-attempt SBI | F-1 | 10 | 3 |
| 2702(a)(2)* | Aggravated assault-cause SBI to police/enumerated persons | F-1 | 11 | 4 |
| 2702(a)(2)* | Aggravated assault-attempt SBI to police/enumerated persons | F-1 | 10 | 3 |
| 2702(a)(3) | Aggravated assault-attempt/cause BI to police/enumerated persons | F-2 | 6 | 2 |
| 2702(a)(4) | Aggravated assault-attempt/cause BI w/ deadly weapon | F-2 | 8 | 2 |
| 2702(a)(5) | Aggravated assault-attempt/cause BI to teacher, etc. | F-2 | 6 | 2 |
| 2702(a)(6) | Aggravated assault-cause fear of SBI | F-2 | 6 | 2 |
| 2702(a)(7) | Aggravated assault-use tear gas/electronic device ag. police, etc. | F-2 | 6 | 2 |
| 2702(a)(8) | Aggravated assault-attempt/cause BI (against child <6 by person >=18) | F-2 | 7 | 2 |
| 2702(a)(9)* | Aggravated assault-cause SBI (against child <13 by person >=18) | F-1 | 12 | 4 |
| 2702(a)(9)* | Aggravated assault-attempt SBI (against child <13 by person >=18) | F-1 | 11 | 4 |
| 2702.1(a) | Assault of law enforcement officer-discharge firearm (1st degree) | F-1 | 13 | 4 |
| [2703(a)] | Assault by prisoner | F-2 | 7 | 2 |
| <u>2703(a)(1)(i)</u> | | | | |
| <u>2703(a)(1)(ii)</u> | <u>Assault by prisoner-against employee (attempt/cause BI)</u> | <u>F-2</u> | <u>7</u> | <u>2</u> |
| <u>2703 (a)(2)</u> | <u>Assault by prisoner-fluids</u> | <u>F-2</u> | <u>7</u> | <u>2</u> |
| <u>2703(a)(3)</u> | <u>Assault by prisoner-against employee (attempt/cause SBI)</u> | <u>F-1</u> | <u>8</u> | <u>3</u> |
| 2703.1 | Aggravated harassment by prisoner | F-3 | 6 | 1 |
| 2704 | Assault by life prisoner | Murder of 2nd Degree | 15 | 4 |
| 2704 Inchoate | —Attempt/solicitation/conspiracy to assault by life prisoner (SBI) | 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 | M-2 | 3 | m |
| 2706(a)(1) | Terroristic threats-intent to terrorize | M-1 | 3 | m |
| 2706(a)(1) | Terroristic threats-intent to terrorize/divert from activities | F-3 | 5 | 1 |
| 2706(a)(2) | Terroristic threats-cause evacuation of building | M-1 | 3 | m |
| 2706(a)(2) | Terroristic threats-cause evacuation of building/divert from activities | F-3 | 5 | 1 |
| 2706(a)(3) | Terroristic threats-serious public inconvenience | M-1 | 3 | m |
| 2706(a)(3) | Terroristic threats-serious public inconvenience/divert from activities | F-3 | 5 | 1 |
| 2707(a) | Propulsion of missiles into an occupied vehicle | M-1 | 3 | m |
| 2707(b) | Propulsion of missiles onto a roadway | M-2 | 2 | m |
| 2707.1(a) | Discharge of firearm into an occupied structure | F-3 | 10 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 2708(a) | Use of tear gas in labor dispute | M-1 | 3 | m |
| 2709(a)(1) | Harassment-subject other physical contact (prev. violation of order) | M-3 | 1 | m |
| 2709(a)(2) | Harassment-follow in public place (prev. violation of order) | M-3 | 1 | m |
| 2709(a)(3) | Harassment-course of conduct w/ no legitimate purpose (prev. violation of order) | M-3 | 1 | m |
| 2709(a)(4) | Harassment-lewd communication | M-3 | 1 | m |
| 2709(a)(5) | Harassment-repeated, anonymous communication | M-3 | 1 | m |
| 2709(a)(6) | Harassment-repeated communication: inconvenient hours | M-3 | 1 | m |
| 2709(a)(7) | Harassment-repeated communication: other | M-3 | 1 | m |
| 2709(a.1)(1)(i) | Cyber harassment of a child; seriously disparaging statements or opinion (course of conduct) | M-3 | 1 | m |
| 2709(a.1)(1)(ii) | Cyber harassment of a child; threat to inflict harm (course of conduct) | M-3 | 1 | m |
| 2709.1(a)(1) | Stalking-repeated acts to cause fear of BI (1st off) | M-1 | 4 | m |
| 2709.1(a)(1) | Stalking-repeated acts to cause fear of BI (2nd/subsq off) | F-3 | 6 | 1 |
| 2709.1(a)(1) | Stalking-repeated acts to cause fear of BI (prior crime of violence) | F-3 | 6 | 1 |
| 2709.1(a)(2) | Stalking-course of conduct to cause fear of BI (1st off) | M-1 | 4 | m |
| 2709.1(a)(2) | Stalking-course of conduct to cause fear of BI (2nd/subsq off) | F-3 | 6 | 1 |
| 2709.1(a)(2) | Stalking-course of conduct to cause fear of BI (prior crime of violence) | F-3 | 6 | 1 |
| 2710 | Ethnic Intimidation | 18 Pa.C.S. § 2710(b) | See § 303.3(d) | See § 303.8(c) |
| 2712(a) | Assault-sports official | M-1 | 3 | m |
| 2713(a)(1) | Neglect of care-dependent person-no treatment (cause death) | F-1 | 11 | 3 |
| 2713(a)(1) | Neglect of care-dependent person-no treatment (cause SBI) | F-1 | 10 | 3 |
| 2713(a)(1) | Neglect of care-dependent person-no treatment (cause BI) | M-1 | 4 | m |
| 2713(a)(2) | Neglect of care-dependent person-physical/chemical restraint (cause death) | F-1 | 11 | 3 |
| 2713(a)(2) | Neglect of care-dependent person-physical/chemical restraint (cause SBI) | F-1 | 10 | 3 |
| 2713(a)(2) | Neglect of care-dependent person-physical/chemical restraint (cause BI) | M-1 | 4 | m |
| 2713(a)(3) | Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct) | F-3 | 5 | 1 |
| 2713(a)(3) | Neglect of care-dependent person-fails to provide treatment, care, goods, etc. | M-2 | 2 | m |
| 2713.1(a)(1)(i) | Abuse of care-dependent person-intent to harass, etc. (strike, shove kick) | M-1 | 4 | m |
| 2713.1(a)(1)(ii) | Abuse of care-dependent person-intent to harass, etc. (course of conduct) | M-1 | 4 | m |
| 2713.1(a)(1)(iii) | Abuse of care-dependent person-intent to harass, etc. (communications-type) | M-1 | 3 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 2713.1(a)(1)(iv) | Abuse of care-dependent person-intent to harass, etc. (communicate-extremely inconvenient hours) | M-1 | 3 | m |
| 2713.1(a)(2) | Abuse of care-dependent person-offense under 18 § 2709.1 (related to stalking) | F-3 | 5 | 1 |
| 2714 | Unauthorized administration of intoxicant | F-3 | 8 | 1 |
| 2715(a)(3) | Threat to use weapons of mass destruction-reports w/o knowledge | M-1 | 3 | m |
| 2715(a)(3) | Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities) | F-3 | 5 | 1 |
| 2715(a)(3) | Threat to use weapons of mass destruction-reports w/o knowledge (during emergency) | F-2 | 7 | 2 |
| 2715(a)(4) | Threat to use weapons of mass destruction-threaten placement | M-1 | 3 | m |
| 2715(a)(4) | Threat to use weapons of mass destruction-threaten placement (divert from activities) | F-3 | 7 | 1 |
| 2715(a)(4) | Threat to use weapons of mass destruction-threaten placement (during emergency) | F-2 | 7 | 2 |
| 2716(a) | Weapons of mass destruction-possession (1st off) | F-2 | 7 | 2 |
| 2716(a) | Weapons of mass destruction-possession (2nd/subsq off) | F-1 | 11 | 4 |
| 2716(b)(1) | Weapons of mass destruction-use (cause death) | Murder of 2nd Degree | 15 | 4 |
| 2716(b)(1) | Weapons of mass destruction-use (cause injury/illness) | F-1 | 13 | 4 |
| 2716(b)(2) | Weapons of mass destruction-use (cause damage/disrupt water/food) | F-1 | 13 | 4 |
| 2716(b)(3) | Weapons of mass destruction-use (cause evacuation of building etc.) | F-1 | 13 | 4 |
| 2717(a)(1) | Terrorism-intim/coerce population (where violent offense is F-1) | F-1 | one point higher than object offense | 4 |
| 2717(a)(1) | Terrorism-intim/coerce population (where violent offense is F-2) | F-1 | one point higher than object offense | 3 |
| 2717(a)(1) | Terrorism-intim/coerce population (where violent offense is F-3 or ungraded felony) | F-2 | one point higher than object offense | See § 303.7(a) |
| 2717(a)(1) | Terrorism-intim/coerce population (where violent offense is M-1) | F-3 | one point higher than object offense | See § 303.7(a) |
| 2717(a)(1) | Terrorism-intim/coerce population (where violent offense is M-2) | M-1 | one point higher than object offense | See § 303.7(a) |
| 2717(a)(1) | Terrorism-intim/coerce population (where violent offense is M-3) | M-2 | one point higher than object offense | See § 303.7(a) |
| 2717(a)(2) | Terrorism-influence govt (where violent offense is F-1) | F-1 | one point higher than object offense | 4 |
| 2717(a)(2) | Terrorism-influence govt (where violent offense is F-2) | F-1 | one point higher than object offense | 3 |
| 2717(a)(2) | Terrorism-influence govt (where violent offense is F-3 or ungraded felony) | F-2 | one point higher than object offense | See § 303.7(a) |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 2717(a)(2) | Terrorism-influence govt (where violent offense is M-1) | F-3 | one point higher than object offense | See § 303.7(a) |
| 2717(a)(2) | Terrorism-influence govt (where violent offense is M-2) | M-1 | one point higher than object offense | See § 303.7(a) |
| 2717(a)(2) | Terrorism-influence govt (where violent offense is M-3) | M-2 | one point higher than object offense | See § 303.7(a) |
| 2718(a)(1) | Strangulation-applying pressure to throat or neck | M-2 | 3 | m |
| 2718(a)(1) | Strangulation-applying pressure to throat or neck | F-2 | 9 | 2 |
| 2718(a)(1) | Strangulation-applying pressure to throat or neck | F-1 | 10 | [3] 4 |
| 2718(a)(2) | Strangulation-blocking nose and mouth | M-2 | 3 | m |
| 2718(a)(2) | Strangulation-blocking nose and mouth | F-2 | 9 | 2 |
| 2718(a)(2) | Strangulation-blocking nose and mouth | F-1 | 10 | [3] 4 |
| 2802(a)(1) | Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI) | M-3 | 1 | m |
| 2802(a)(2) | Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI) | M-3 | 1 | m |
| 2802(a)(3) | Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI) | M-3 | 2 | m |
| 2802(a)(4) | Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI) | M-3 | 2 | m |
| 2802(a)(5) | Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI) | M-3 | 2 | m |
| 2802(a)(6) | Hazing a minor or student-endure other activity (reasonable likelihood of BI) | M-3 | 1 | m |
| 2803(a)(1)* | Aggravated hazing a minor or student-reckless indifference (SBI) | F-3 | 5 | 1 |
| 2803(a)(1)* | Aggravated hazing a minor or student-reckless indifference (death) | F-3 | 7 | 1 |
| 2803(a)(2)* | Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI) | F-3 | 5 | 1 |
| 2803(a)(2)* | Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death) | F-3 | 7 | 1 |
| 2901(a)(1) | Kidnapping-for ransom (victim >=18 yrs) | F-1 | 10 | 4 |
| 2901(a)(2) | Kidnapping-to facilitate a felony (victim >=18 yrs) | F-1 | 10 | 4 |
| 2901(a)(3) | Kidnapping-to inflict terror, BI (victim >=18 yrs) | F-1 | 10 | 4 |
| 2901(a)(4) | Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(1)* | Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(1)* | Kidnapping-minor, for ransom/etc. (victim <14 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(2)* | Kidnapping-minor, to facilitate felony (victim 14-<18 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(2)* | Kidnapping-minor, to facilitate felony (victim <14 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(3)* | Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(3)* | Kidnapping-minor, to inflict terror, BI (victim <14 yrs) | F-1 | 10 | 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|-----------------------------|--|------------------------|--------------------------------------|--|
| 2901(a.1)(4)* | Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs) | F-1 | 10 | 4 |
| 2901(a.1)(4)* | Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs) | F-1 | 10 | 4 |
| 2902(a)(1) | Unlawful restraint-risk SBI | M-1 | 3 | m |
| 2902(a)(2) | Unlawful restraint-involuntary servitude | M-1 | 3 | m |
| 2902(b)(1) | Unlawful restraint-risk SBI (victim <18 yrs) | F-2 | 8 | 2 |
| 2902(b)(2) | Unlawful restraint-involuntary servitude (victim <18 yrs) | F-2 | 8 | 2 |
| 2902(c)(1) | Unlawful restraint by parent-risk SBI (victim <18 yrs) | F-2 | 8 | 2 |
| 2902(c)(2) | Unlawful restraint by parent-involuntary servitude (victim <18 yrs) | F-2 | 8 | 2 |
| 2903(a) | False imprisonment (victim >=18 yrs) | M-2 | 2 | m |
| 2903(b) | False imprisonment (victim <18 yrs) | F-2 | 8 | 2 |
| 2903(c) | False imprisonment by parent (victim<18 yrs) | F-2 | 7 | 2 |
| 2904(a) | Interfere with custody of children | F-3 | 6 | 1 |
| [2904(a)] 2904(a)* | Interfere with custody of children-good cause/time <24 hrs. | M-2 | 3 | m |
| 2904(a)* | Interfere with custody of children-good cause/time <24 hrs. (ML Tier I) | M-2 | 3 | m |
| 2904(a) | Interfere with custody of children-w/ reckless disregard | F-2 | 8 | 2 |
| 2905(a) | Interfere with custody of committed person | M-2 | 4 | m |
| 2906(a)(1) | Criminal coercion-threat to commit crime | M-2 | 2 | m |
| 2906(a)(1) | Criminal coercion-threat to commit crime (felony) | M-1 | 3 | m |
| 2906(a)(2) | Criminal coercion-threat to accuse of crime | M-2 | 2 | m |
| 2906(a)(2) | Criminal coercion-threat to accuse of crime (felony) | M-1 | 3 | m |
| 2906(a)(3) | Criminal coercion-threat to expose secret | M-2 | 2 | m |
| 2906(a)(3) | Criminal coercion-threat to expose secret (felony) | M-1 | 3 | m |
| 2906(a)(4) | Criminal coercion-threaten official act | M-2 | 2 | m |
| 2906(a)(4) | Criminal coercion-threaten official act (felony) | M-1 | 3 | m |
| 2907 | Disposition of ransom | F-3 | 5 | 1 |
| 2909(b)(1) | Concealment of whereabouts of a child-in Commonwealth | F-3 | 4 | 1 |
| 2909(b)(2) | Concealment of whereabouts of a child-parents in Commonwealth | F-3 | 4 | 1 |
| 2910(a) | Luring child into motor vehicle/structure | M-1 | 5 | 1 |
| 2910 | Luring a child into motor vehicle/structure (child <13 yrs) | F-2 | 8 | 2 |
| 3011(a)(1) | [Human trafficking-trafficking] Trafficking in individuals [()-recruits, entices, solicits, harbors, etc.]) | [F-2] F-1 | [12] 10 | [2] 4 |
| 3011(a)(1) | Trafficking in individuals recruits, entices, solicits, harbors, etc. (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b)) | F-1 | 12 | 4 |
| 3011(a)(2) | [Human trafficking-trafficking] Trafficking in individuals [()-knowingly benefits financially [)] | [F-2] F-1 | [12] 10 | [2] 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--|--|
| 3011(a)(2) | Trafficking in individuals-knowingly benefits financially (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b)) | F-1 | 12 | 4 |
| 3011(a)(3) | Trafficking in individuals-knows or recklessly disregards | F-2 | 9 | 2 |
| 3011(a)(4) | Trafficking in individuals-knowingly benefits financially | F-2 | 9 | 2 |
| [3011(b)] | [Human trafficking-trafficking in minors (activities in (a) result in minor's sexual servitude)] | [F-1] | [12] | [4] |
| 3012(b)(1)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-cause serious harm [()]] | F-1 | 10 | 3 |
| 3012(b)(1)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-threaten serious harm [()]] | F-1 | 9 | 3 |
| 3012(b)(2)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-physically restrain another [()]] | F-1 | 10 | 3 |
| 3012(b)(2)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-threaten to physically restrain another [()]] | F-1 | 9 | 3 |
| 3012(b)(3)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-kidnap [()]] | F-1 | 11 | 4 |
| 3012(b)(3)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-attempt to kidnap [()]] | F-1 | 10 | 3 |
| 3012(b)(4)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-abuse legal process [()]] | F-1 | 10 | 3 |
| 3012(b)(4)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-threaten to abuse legal process [()]] | F-1 | 9 | 3 |
| 3012(b)(5) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-taking/retaining personal property [()]] | F-1 | 10 | 3 |
| 3012(b)(6) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-unlawful conduct of documents [()]] | F-1 | 10 | 3 |
| 3012(b)(7) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-extortion [()]] | F-1 | 10 | 3 |
| 3012(b)(8) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-fraud [()]] | F-1 | 10 | 3 |
| 3012(b)(9) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-criminal coercion [()]] | F-1 | 10 | 3 |
| 3012(b)(10)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-duress through force [()]] | F-1 | 10 | 3 |
| 3012(b)(10)* | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-duress through threat of force [()]] | F-1 | 9 | 3 |
| 3012(b)(11) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-(debt coercion [()]] | F-1 | 10 | 3 |
| 3012(b)(12) | [Human trafficking-involuntary] <u>Involuntary</u> servitude [()-facilitate/restrict access to controlled substance [()]] | F-1 | 10 | 3 |

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|--|---|---|---|---|
| 3012(b)(13) | [Human trafficking-involuntary] Involuntary servitude[()-cause believe harm/restraint to another()] | F-1 | 10 | 3 |
| [3013(a)] 3013(a)(1)* | [Human trafficking-patronizing] Patronizing victim of sexual servitude | [F-2] F-1 | 10 | [2] 4 |
| 3013(a)(1)* | Patronizing victim of sexual servitude-minor victim | F-1 | 11 | 4 |
| 3013(a)(2)(i)* | Patronizing victim of sexual servitude-reckless disregard (1st offense) | F-3 | 6 | 1 |
| 3013(a)(2)(i)* | Patronizing victim of sexual servitude-reckless disregard; minor victim (1st offense) | F-3 | 7 | 1 |
| 3013(a)(2)(ii)* | Patronizing victim of sexual servitude-reckless disregard (2nd/subsq offense) | F-1 | 9 | 4 |
| 3013(a)(2)(ii)* | Patronizing victim of sexual servitude-reckless disregard: minor victim (2nd/subsq offense) | F-1 | 10 | 4 |
| 3014(1) | [Human trafficking-unlawful] Unlawful conduct regarding documents[()-passport/other immigration document()] | F-3 | 6 | 1 |
| 3014(2) | [Human trafficking-unlawful] Unlawful conduct regarding documents[()-government ID document()] | F-3 | 6 | 1 |
| 3015(a)(1) | [Human trafficking-nonpayment] Nonpayment of wages (<\$2,000) | M-3 | 2 | m |
| 3015(a)(2)(i) | [Human trafficking-nonpayment] Nonpayment of wages (=>\$2,000) | F-3 | 6 | 1 |
| 3015(a)(2)(ii) | [Human trafficking-nonpayment] Nonpayment of wages (2nd/subsq. violation) | F-3 | 6 | 1 |
| 3015(a)(2)(iii) | [Human trafficking-nonpayment] Nonpayment of wages (falsely denies amount due or validity of claim) | F-3 | 6 | 1 |
| 3016 | [Human trafficking-obstruction] Obstruction of justice[;]-interfere with enforcement of chapter 30 | Same as corresponding offense under 18 Pa.C.S. Chapter 30 | Same as corresponding offense under 18 Pa.C.S. Chapter 30 | Same as corresponding offense under 18 Pa.C.S. Chapter 30 |
| 3121(a)(1) | Rape-forcible compulsion | F-1 | 12 | 4 |
| 3121(a)(1) | Rape-forcible compulsion (uses substance to impair) | F-1 | 13 | 4 |
| 3121(a)(2) | Rape-threat of forcible compulsion | F-1 | 12 | 4 |
| 3121(a)(2) | Rape-threat of forcible compulsion (uses substance to impair) | F-1 | 13 | 4 |
| 3121(a)(3) | Rape-unconscious victim | F-1 | 12 | 4 |
| 3121(a)(3) | Rape-unconscious victim (uses substance to impair) | F-1 | 13 | 4 |
| 3121(a)(4) | Rape-substantially impaired victim | F-1 | 12 | 4 |
| 3121(a)(4) | Rape-substantially impaired victim (uses substance to impair) | F-1 | 13 | 4 |
| 3121(a)(5) | Rape-mentally disabled victim | F-1 | 12 | 4 |
| 3121(a)(5) | Rape-mentally disabled victim (uses substance to impair) | F-1 | 13 | 4 |
| 3121(c) | Rape-child (victim <13 yrs) | F-1 | 14 | 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|-----------------------|---|------------------------|--------------------------------------|--|
| 3121(d) | Rape-child w/ SBI (victim <13 yrs) | F-1 | 14 | 4 |
| 3122.1(a)(1) | Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older) | F-2 | 7 | 2 |
| 3122.1(a)(2) | Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older) | F-2 | 8 | 2 |
| 3122.1(b) | Statutory sexual assault-victim <16 yrs (person >=11 yrs older) | F-1 | 9 | 3 |
| 3123(a)(1) | IDSI-forcible compulsion | F-1 | 12 | 4 |
| 3123(a)(2) | IDSI-threat of forcible compulsion | F-1 | 12 | 4 |
| 3123(a)(3) | IDSI-unconscious victim | F-1 | 12 | 4 |
| 3123(a)(4) | IDSI-substantially impaired victim | F-1 | 12 | 4 |
| 3123(a)(5) | IDSI-mentally disabled victim | F-1 | 12 | 4 |
| 3123(a)(7) | IDSI-victim <16 yrs (person >=4 yrs older) | F-1 | 12 | 4 |
| 3123(b) | IDSI-child (victim <13 yrs) | F-1 | 14 | 4 |
| 3123(c) | IDSI-child w/ SBI (victim <13 yrs) | F-1 | 14 | 4 |
| 3124.1 | Sexual assault | F-2 | 11 | 4 |
| 3124.2(a) | Institutional sexual assault-generally | F-3 | 6 | 1 |
| 3124.2(a.1) | Institutional sexual assault-minor (victim <18 yrs) | F-3 | 6 | 1 |
| 3124.2(a.2) | Institutional sexual assault-by school volunteer/employee | F-3 | 6 | 1 |
| 3124.2 (a.3) | Institutional sexual assault-by childcare volunteer/employee | F-3 | 6 | 1 |
| 3124.2(a.4)(1) | <u>Institutional sexual assault by peace officer</u> | <u>F-3</u> | <u>6</u> | <u>1</u> |
| 3124.2(a.4)(1) | <u>Institutional sexual assault by peace officer-child (victim <18)</u> | <u>F-3</u> | <u>6</u> | <u>1</u> |
| 3124.3(a) | Sexual assault by sports official of non-profit association | F-3 | 6 | 1 |
| 3124.3(b) | Sexual assault by volunteer or employee of non-profit association | F-3 | 6 | 1 |
| 3125(a)(1) | Aggravated indecent assault-w/o consent | F-2 | 10 | 4 |
| 3125(a)(1) | Aggravated indecent assault-of a child w/out consent (victim <13 yrs) | F-1 | 12 | 4 |
| 3125(a)(2) | Aggravated indecent assault-forcible compulsion | F-2 | 10 | 4 |
| 3125(a)(2) | Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs) | F-1 | 12 | 4 |
| 3125(a)(3) | Aggravated indecent assault-threat of forcible compulsion | F-2 | 10 | 4 |
| 3125(a)(3) | Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs) | F-1 | 12 | 4 |
| 3125(a)(4) | Aggravated indecent assault-unconscious victim | F-2 | 10 | 4 |
| 3125(a)(4) | Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs) | F-1 | 12 | 4 |
| 3125(a)(5) | Aggravated indecent assault-substantially impaired victim | F-2 | 10 | 4 |
| 3125(a)(5) | Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs) | F-1 | 12 | 4 |
| 3125(a)(6) | Aggravated indecent assault-mentally disabled victim | F-2 | 10 | 4 |
| 3125(a)(6) | Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs) | F-1 | 12 | 4 |
| 3125(a)(7) | Aggravated indecent assault-victim <13 yrs | F-2 | 10 | 4 |

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|--------------------------|--|------------------------|--------------------------------------|--|
| 3125(a)(8) | Aggravated indecent assault-victim <16 yrs (person >=4 yrs older) | F-2 | 10 | 4 |
| 3126(a)(1) | Indecent assault-w/o consent | M-2 | 4 | m |
| 3126(a)(2) | Indecent assault-forcible compulsion | M-1 | 5 | m |
| 3126(a)(3) | Indecent assault-threat of forcible compulsion | M-1 | 5 | m |
| 3126(a)(4) | Indecent assault-unconscious victim | M-1 | 5 | m |
| 3126(a)(5) | Indecent assault-substantially impaired victim | M-1 | 5 | m |
| 3126(a)(6) | Indecent assault-mentally disabled victim | M-1 | 5 | m |
| 3126(a)(7) | Indecent assault-victim <13 yrs | M-1 | 5 | 1 |
| 3126(a)(7) | Indecent assault-victim <13 yrs (2nd/subsq) | F-3 | 6 | 1 |
| 3126(a)(7) | Indecent assault-victim <13 yrs/course of conduct | F-3 | 6 | 1 |
| 3126(a)(7) | Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's | F-3 | 6 | 1 |
| 3126(a)(7) | Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's | F-3 | 6 | 1 |
| 3126(a)(8) | Indecent assault-victim <16 yrs (person >=4 yrs older) | M-2 | 4 | m |
| 3127(a) | Indecent exposure | M-2 | 3 | m |
| 3127(a) | Indecent exposure-victim <16 yrs | M-1 | 4 | 1 |
| 3129 | Sexual intercourse with animal | M-2 | 2 | m |
| 3130(a)(1) | Conduct relating to sex offenders-withhold information | F-3 | 5 | 1 |
| 3130(a)(2) | Conduct relating to sex offenders-harbor sex offender | F-3 | 5 | 1 |
| 3130(a)(3) | Conduct relating to sex offenders-conceal sex offender | F-3 | 5 | 1 |
| 3130(a)(4) | Conduct relating to sex offenders-provide false information | F-3 | 5 | 1 |
| 3131(a) | Unlawful dissemination of intimate image (person depicted is minor <18 yrs) | M-1 | 3 | m |
| 3131(a) | Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs) | M-2 | 2 | m |
| <u>3132(a)(1)</u> | <u>Female mutilation</u> | <u>F-1</u> | <u>12</u> | <u>3</u> |
| <u>3132(a)(2)</u> | <u>Female mutilation-is a parent of a minor and the parent knowingly consents or permits</u> | <u>F-1</u> | <u>11</u> | <u>3</u> |
| <u>3132(a)(3)</u> | <u>Female mutilation-knowingly removes or permits the removal of a minor from this Commonwealth</u> | <u>F-1</u> | <u>11</u> | <u>3</u> |
| <u>3133(a)(1)</u> | <u>Sexual extortion-engage in sexual conduct</u> | <u>M-1</u> | <u>3</u> | <u>m</u> |
| <u>3133(a)(1)</u> | <u>Sexual extortion-engage in sexual conduct: victim<18</u> | <u>F-3</u> | <u>6</u> | <u>1</u> |
| <u>3133(a)(1)</u> | <u>Sexual extortion-engage in sexual conduct: intellectual disability</u> | <u>F-3</u> | <u>6</u> | <u>1</u> |
| <u>3133(a)(1)</u> | <u>Sexual extortion-engage in sexual conduct: offender's position</u> | <u>F-3</u> | <u>6</u> | <u>1</u> |
| <u>3133(a)(1)</u> | <u>Sexual extortion-engage in sexual conduct: course of conduct</u> | <u>F-3</u> | <u>5</u> | <u>1</u> |
| <u>3133(a)(1)</u> | <u>Sexual extortion-engage in sexual conduct: 2nd/subsq</u> | <u>F-3</u> | <u>5</u> | <u>1</u> |
| <u>3133(a)(2)</u> | <u>Sexual extortion-produce/disseminate image, etc.</u> | <u>M-1</u> | <u>3</u> | <u>m</u> |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| <u>3133(a)(2)</u> | Sexual extortion-produce/disseminate image, etc.: victim<18 | F-3 | 6 | 1 |
| <u>3133(a)(2)</u> | Sexual extortion-produce/disseminate image, etc.: intellectual disability | F-3 | 6 | 1 |
| <u>3133(a)(2)</u> | Sexual extortion-produce/disseminate image, etc.: offender's position | F-3 | 6 | 1 |
| <u>3133(a)(2)</u> | Sexual extortion-produce/disseminate image, etc.: course of conduct | F-3 | 5 | 1 |
| <u>3133(a)(2)</u> | Sexual extortion-produce/disseminate image, etc.: 2nd/subsq | F-3 | 5 | 1 |
| <u>3133(c)(1)</u> | Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc. | M-1 | 3 | m |
| <u>3133(c)(1)</u> | Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: victim<18 | F-3 | 6 | 1 |
| <u>3133(c)(1)</u> | Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: intellectual disability | F-3 | 6 | 1 |
| <u>3133(c)(1)</u> | Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: offender's position | F-3 | 6 | 1 |
| <u>3133(c)(1)</u> | Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: course of conduct | F-3 | 5 | 1 |
| <u>3133(c)(1)</u> | Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: 2nd/subsq | F-3 | 5 | 1 |
| <u>3133(c)(2)</u> | Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure | M-1 | 3 | m |
| <u>3133(c)(2)</u> | Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: victim<18 | F-3 | 6 | 1 |
| <u>3133(c)(2)</u> | Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: intellectual disability | F-3 | 6 | 1 |
| <u>3133(c)(2)</u> | Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: offender's position | F-3 | 6 | 1 |
| <u>3133(c)(2)</u> | Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: course of conduct | F-3 | 5 | 1 |
| <u>3133(c)(2)</u> | Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: 2nd/subsq | F-3 | 5 | 1 |
| 3301(a)(1)(i)* | Arson endangering persons-danger of death (person in building or BI results) | F-1 | 10 | 4 |
| 3301(a)(1)(i)* | Arson endangering persons-danger of death (no person in building and no BI) | F-1 | 9 | 4 |
| 3301(a)(1)(i)* | Arson endangering persons-danger of death (cause SBI to civilian) | F-1 | 11 | 4 |
| 3301(a)(1)(i)* | Arson endangering persons-danger of death (cause BI to firefighter, etc.) | F-1 | 11 | 4 |
| 3301(a)(1)(ii)* | Arson endangering persons-inhabited building (person in building or BI results) | F-1 | 10 | 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3301(a)(1)(ii)* | Arson endangering persons-inhabited building (no person in building and no BI) | F-1 | 9 | 4 |
| 3301(a)(1)(ii)* | Arson endangering persons-inhabited building (cause SBI to civilian) | F-1 | 11 | 4 |
| 3301(a)(1)(ii)* | Arson endangering persons-inhabited building (cause BI to firefighter, etc.) | F-1 | 11 | 4 |
| 3301(a)(2) | Arson endangering persons-cause death w/ intent (murder-1st degree) | Murder of 1st Degree | 15 | 4 |
| 3301(a)(2) | Arson endangering persons-cause death (murder-2nd degree) | Murder of 2nd Degree | 15 | 4 |
| 3301(a.1)(1)(i)* | Aggravated arson-attempt BI to civilian | F-1 | 10 | 4 |
| 3301(a.1)(1)(i)* | Aggravated arson-cause BI to civilian | F-1 | 11 | 4 |
| 3301(a.1)(1)(i)* | Aggravated arson-attempt SBI to civilian | F-1 | 11 | 4 |
| 3301(a.1)(1)(i)* | Aggravated arson-cause SBI to civilian | F-1 | 12 | 4 |
| 3301(a.1)(1)(i)* | Aggravated arson-attempt BI to firefighter, etc. | F-1 | 11 | 4 |
| 3301(a.1)(1)(i)* | Aggravated arson-cause BI to firefighter, etc. | F-1 | 12 | 4 |
| 3301(a.1)(1)(ii) | Aggravated arson-other felony arson (when person present inside property) | F-1 | 10 | 4 |
| 3301(a.1)(2) | Aggravated arson-fire/explosion causes death of any person | Murder of 2nd Degree | 15 | 4 |
| 3301(a.2)(1) | Arson of historic resource-w/ intent (fire/explosion) | F-2 | 7 | 2 |
| 3301(a.2)(2) | Arson of historic resource-aids/pays (fire/explosion) | F-2 | 7 | 2 |
| 3301(c)(1) | Arson endangering property-intent to destroy unoccupied bldg | F-2 | 6 | 2 |
| 3301(c)(2) | Arson endangering property-endangers inhabited building | F-2 | 6 | 2 |
| 3301(c)(3) | Arson endangering property-intent to collect insurance | F-2 | 6 | 2 |
| 3301(d)(1) | Arson-reckless burning or exploding (endanger unoccupied bldg) | F-3 | 5 | 1 |
| 3301(d)(2) | Arson-reckless burning or exploding (endanger property >\$5000) | F-3 | 5 | 1 |
| 3301(e)(1) | Arson-failure to control/report (duty) | M-1 | 3 | m |
| 3301(e)(2) | Arson-failure to control/report (own property) | M-1 | 3 | m |
| 3301(f) | Arson-possess explosive material (intent to use) | F-3 | 5 | 1 |
| 3301(g) | Arson-failure to disclose true owner | M-3 | 1 | m |
| 3302(a) | Catastrophe-causing (intentionally) | F-1 | 10 | 3 |
| 3302(a) | Catastrophe-causing (recklessly) | F-2 | 6 | 2 |
| 3302(b) | Catastrophe-risking | F-3 | 4 | 1 |
| 3303(1) | Failure to prevent catastrophe-duty | M-2 | 2 | m |
| 3303(2) | Failure to prevent catastrophe-acted or assented to | M-2 | 2 | m |
| 3304(a)(1) | Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000) | F-3 | 5 | 1 |
| 3304(a)(1) | Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000) | M-2 | 2 | m |
| 3304(a)(1) | Criminal mischief-damage prop/intent/reckless/neglig (>\$500) | M-3 | 1 | m |
| 3304(a)(2) | Criminal mischief-tamper w/ property (>\$5,000) | F-3 | 5 | 1 |
| 3304(a)(2) | Criminal mischief-tamper w/ property (>\$1,000) | M-2 | 2 | m |
| 3304(a)(2) | Criminal mischief-tamper w/ property (>\$500) | M-3 | 1 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 3304(a)(3) | Criminal mischief-cause pecuniary loss (>\$5,000) | F-3 | 5 | 1 |
| 3304(a)(3) | Criminal mischief-cause pecuniary loss (>\$1,000) | M-2 | 2 | m |
| 3304(a)(3) | Criminal mischief-cause pecuniary loss (>\$500) | M-3 | 1 | m |
| 3304(a)(4) | Criminal mischief-graffiti (>\$5,000) | F-3 | 5 | 1 |
| 3304(a)(4) | Criminal mischief-graffiti (>\$1,000) | M-2 | 2 | m |
| 3304(a)(4) | Criminal mischief-graffiti (>\$150) | M-3 | 1 | m |
| 3304(a)(5) | Criminal mischief-damage property (>\$5,000) | F-3 | 5 | 1 |
| 3304(a)(5) | Criminal mischief-damage property (>\$1,000) | M-2 | 2 | m |
| 3304(a)(5) | Criminal mischief-damage property (>\$500) | M-3 | 1 | m |
| 3304(a)(6) | Criminal mischief-paintball (>\$5,000) | F-3 | 5 | 1 |
| 3304(a)(6) | Criminal mischief-paintball (>\$1,000) | M-2 | 2 | m |
| 3304(a)(6) | Criminal mischief-paintball (>\$500) | M-3 | 1 | m |
| 3305 | Tampering w/ fire apparatus/hydrants | M-3 | 1 | m |
| 3307(a)(1) | Institutional vandalism-place of worship (>\$5,000 or desecration) | F-3 | 5 | 1 |
| 3307(a)(1) | Institutional vandalism-place of worship (<=\$5,000) | M-2 | 2 | m |
| 3307(a)(2) | Institutional vandalism-cemetery (>\$5,000 or desecration) | F-3 | 5 | 1 |
| 3307(a)(3) | Institutional vandalism-school (>\$5,000 or desecration) | F-3 | 5 | 1 |
| 3307(a)(3) | Institutional vandalism-school (<=\$5,000) | M-2 | 2 | m |
| 3307(a)(3) | Institutional vandalism-cemetery (<=\$5,000) | M-2 | 2 | m |
| 3307(a)(4) | Institutional vandalism-adjacent grounds (>\$5,000 or desecration) | F-3 | 5 | 1 |
| 3307(a)(4) | Institutional vandalism-adjacent grounds (<=\$5,000) | M-2 | 2 | m |
| 3307(a)(5) | Institutional vandalism-personal property (>\$5,000 or desecration) | F-3 | 5 | 1 |
| 3307(a)(5) | Institutional vandalism-personal property (<=\$5,000) | M-2 | 2 | m |
| 3307(a.1) | Institutional vandalism-possess marking device on property | M-2 | 2 | m |
| 3309(a) | Agricultural vandalism (>\$5,000) | F-3 | 5 | 1 |
| 3309(a) | Agricultural vandalism (>\$1,000) | M-1 | 3 | m |
| 3309(a) | Agricultural vandalism (>\$500) | M-2 | 2 | m |
| 3309(a) | Agricultural vandalism (<=\$500) | M-3 | 1 | m |
| 3310(a) | Agricultural crop destruction | F-2 | 7 | 2 |
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is F-1) | F-1 | 14 | 4 |
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is F-2) | F-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is F-3/ungr fel) | F-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is M-1) | F-3 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is M-2) | M-1 | one point higher than object offense | See § 303.7(a) |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is M-3/ungr misd) | M-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(i) | Ecoterrorism-intimidate individual participation (if off is S) | M-3 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-1) | F-1 | 14 | 4 |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-2) | F-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-3/ungr fel) | F-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-1) | F-3 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-2) | M-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-3/ungr misd) | M-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(1)(ii) | Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is S) | M-3 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is F-1) | F-1 | 14 | 4 |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is F-2) | F-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is F-3/ungr fel) | F-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is M-1) | F-3 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is M-2) | M-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is M-3/ungr misd) | M-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(i) | Ecoterrorism-obstruct individ. from activity (if off is S) | M-3 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-1) | F-1 | 14 | 4 |
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-2) | F-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-3/ungr fel) | F-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-1) | F-3 | one point higher than object offense | See § 303.7(a) |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-2) | M-1 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-3) | M-2 | one point higher than object offense | See § 303.7(a) |
| 3311(a)(2)(ii) | Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is S) | M-3 | one point higher than object offense | See § 303.7(a) |
| 3312(a)(2) | Destruction of survey monument-call boundary into question | M-2 | 3 | m |
| 3313(a) | Illegal dumping of methamphetamine waste | F-3 | 5 | 1 |
| 3502(a)(1)(i) | Burglary-home/person present and bodily injury crime as defined in 18 Pa.C.S. § 3502(e) | F-1 | 10 | 4 |
| 3502(a)(1)(ii) | Burglary-home/person present | F-1 | 9 | 4 |
| 3502(a)(2) | Burglary-home/no person present | F-1 | 7 | 3 |
| 3502(a)(3) | Burglary-not a home/person present | F-1 | 6 | 3 |
| 3502(a)(4) | Burglary-not a home/no person present | F-2 | 5 | 2 |
| 3502(a)(4) | Burglary-not a home/no person present (commit theft of drugs) | F-1 | 7 | 3 |
| 3503(a)(1)(i) | Criminal trespass-buildings | F-3 | 3 | 1 |
| 3503(a)(1)(ii) | Criminal trespass-buildings (break in) | F-2 | 4 | 2 |
| 3503(b)(1)(i) | Criminal trespass-defiant (notice by communication) | M-3 | 1 | m |
| 3503(b)(1)(ii) | Criminal trespass-defiant (notice posted) | M-3 | 1 | m |
| 3503(b)(1)(iii) | Criminal trespass-defiant (notice by fencing) | M-3 | 1 | m |
| 3503(b)(1)(iv) | Criminal trespass-defiant (notice posted/school grounds) | M-3 | 1 | m |
| 3503(b)(1)(v) | Criminal trespass-defiant (communication/leave school grounds) | M-1 | 3 | m |
| 3503(b.2)(1)(i) | Criminal trespass-agricultural trespass (posted land) | M-3 | 1 | m |
| 3503(b.2)(1)(ii) | Criminal trespass-agricultural trespass (defies order) | M-2 | 3 | m |
| 3503(b.3)(1)(i) | Agricultural biosecurity trespass-enter w/o license | M-3 | 1 | m |
| 3503(b.3)(1)(i) | Agricultural biosecurity trespass-enter w/o license (damage plant/animal) | M-1 | 3 | m |
| 3503(b.3)(1)(ii) | Agricultural biosecurity trespass-fail to perform measure (damage plant/animal) | M-1 | 3 | m |
| 3504(a)(1)(i) | Railroad vandalism to RR property-by disrupting train operation | M-3 | 1 | m |
| 3504(a)(1)(ii) | Railroad vandalism to RR property-by driving vehicle | M-3 | 1 | m |
| 3504(a)(1)(iii) | Railroad vandalism to RR property-by damaging property/equipment | M-3 | 1 | m |
| 3504(b) | Railroad protection-stowaways prohibited | M-3 | 1 | m |
| 3505(a)(3) | Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband | F-2 | 7 | 2 |
| 3701(a)(1)(i) | Robbery-inflicts SBI | F-1 | 12 | 4 |
| 3701(a)(1)(i) | Robbery-inflicts SBI (drug-related) | F-1 | 13 | 4 |
| 3701(a)(1)(ii) | Robbery-threatens SBI | F-1 | 10 | 4 |
| 3701(a)(1)(ii) | Robbery-threaten SBI (drug-related) | F-1 | 11 | 4 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--|--|
| 3701(a)(1)(iii) | Robbery-commit/threaten any F1 or F2 | F-1 | 9 | 4 |
| 3701(a)(1)(iii) | Robbery-commit/threaten any F1 or F2 (drug-related) | F-1 | 10 | 4 |
| 3701(a)(1)(iv) | Robbery-inflicts/threatens BI | F-2 | 7 | 2 |
| 3701(a)(1)(iv) | Robbery-inflicts/threatens BI (drug-related) | F-1 | 8 | 3 |
| 3701(a)(1)(v) | Robbery-takes property by force | F-3 | 5 | 1 |
| 3701(a)(1)(v) | Robbery-takes property by force (drug-related) | F-1 | 6 | 3 |
| 3701(a)(1)(vi) | Robbery-demand money from financial institution | F-2 | 7 | 2 |
| 3702(a)* | Robbery of motor vehicle-with SBI | F-1 | 12 | 4 |
| 3702(a)* | Robbery of motor vehicle-without SBI | F-1 | 9 | 4 |
| 3921(a) | Theft by unlaw taking-movable property (anhydrous ammonia) | F-2 | 8 | 2 |
| 3921(a) | Theft by unlaw taking-movable property (disaster) | F-2 | 8 | 2 |
| 3921(a) | Theft by unlaw taking-movable property (firearm) | F-2 | 8 | 2 |
| 3921(a) | Theft by unlaw taking-movable property (=>\$500,000) | F-1 | 8 | 3 |
| 3921(a) | Theft by unlaw taking-movable property (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3921(a)* | Theft by unlaw taking-movable property (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3921(a)* | Theft by unlaw taking-movable property (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3921(a) | Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3921(a) | Theft by unlaw taking-movable property (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3921(a) | Theft by unlaw taking-movable property (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3921(a) | Theft by unlaw taking-movable property (<\$50/no threat) | M-3 | 1 | m |
| 3921(b) | Theft by unlaw taking-immovable property (anhydrous ammonia) | F-2 | 8 | 2 |
| 3921(b) | Theft by unlaw taking-immovable property (disaster) | F-2 | 8 | 2 |
| 3921(b) | Theft by unlaw taking-immovable property (firearm) | F-2 | 8 | 2 |
| 3921(b) | Theft by unlaw taking-immovable property (=>\$500,000) | F-1 | 8 | 3 |
| 3921(b) | Theft by unlaw taking-immovable property (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3921(b)* | Theft by unlaw taking-immovable property (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3921(b)* | Theft by unlaw taking-immovable property (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3921(b) | Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3921(b) | Theft by unlaw taking-immovable property (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3921(b) | Theft by unlaw taking-immovable property (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3921(b) | Theft by unlaw taking-immovable property (<\$50/no threat) | M-3 | 1 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--|--|
| 3922(a)(1) | Theft by deception-false impression (anhydrous ammonia) | F-2 | 8 | 2 |
| 3922(a)(1) | Theft by deception-false impression (firearm) | F-2 | 8 | 2 |
| 3922(a)(1) | Theft by deception-false impression (=>\$500,000) | F-1 | 8 | 3 |
| 3922(a)(1) | Theft by deception-false impression (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3922(a)(1)* | Theft by deception-false impression (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3922(a)(1)* | Theft by deception-false impression (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3922(a)(1) | Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3922(a)(1) | Theft by deception-false impression (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3922(a)(1) | Theft by deception-false impression (>\$50-\$200/no threat) | M-2 | 2 | m |
| 3922(a)(1) | Theft by deception-false impression (<\$50/no threat) | M-3 | 1 | m |
| 3922(a)(2) | Theft by deception-conceal information (anhydrous ammonia) | F-2 | 8 | 2 |
| 3922(a)(2) | Theft by deception-conceal information (firearm) | F-2 | 8 | 2 |
| 3922(a)(2) | Theft by deception-conceal information (=>\$500,000) | F-1 | 8 | 3 |
| 3922(a)(2) | Theft by deception-conceal information (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3922(a)(2)* | Theft by deception-conceal information (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3922(a)(2)* | Theft by deception-conceal information (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3922(a)(2) | Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3922(a)(2) | Theft by deception-conceal information (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3922(a)(2) | Theft by deception-conceal information (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3922(a)(2) | Theft by deception-conceal information (<\$50/no threat) | M-3 | 1 | m |
| 3922(a)(3) | Theft by deception-fail to correct (anhydrous ammonia) | F-2 | 8 | 2 |
| 3922(a)(3) | Theft by deception-fail to correct (firearm) | F-2 | 8 | 2 |
| 3922(a)(3) | Theft by deception-fail to correct (=>\$500,000) | F-1 | 8 | 3 |
| 3922(a)(3) | Theft by deception-fail to correct (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3922(a)(3)* | Theft by deception-fail to correct (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3922(a)(3)* | Theft by deception-fail to correct (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3922(a)(3) | Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3922(a)(3) | Theft by deception-fail to correct (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3922(a)(3) | Theft by deception-fail to correct (\$50-<\$200/no threat) | M-2 | 2 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3922(a)(3) | Theft by deception-fail to correct (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(1) | Theft by extortion-commit crime (anhydrous ammonia) | F-2 | 8 | 2 |
| 3923(a)(1) | Theft by extortion-commit crime (firearm) | F-2 | 8 | 2 |
| 3923(a)(1) | Theft by extortion-commit crime (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(1) | Theft by extortion-commit crime (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(1)* | Theft by extortion-commit crime (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3923(a)(1)* | Theft by extortion-commit crime (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(1) | Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(1) | Theft by extortion-commit crime (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(1) | Theft by extortion-commit crime (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(1) | Theft by extortion-commit crime (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(2) | Theft by extortion-accuse of crime (anhydrous ammonia) | F-2 | 8 | 2 |
| 3923(a)(2) | Theft by extortion-accuse of crime (firearm) | F-2 | 8 | 2 |
| 3923(a)(2) | Theft by extortion-accuse of crime (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(2) | Theft by extortion-accuse of crime (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(2)* | Theft by extortion-accuse of crime (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3923(a)(2)* | Theft by extortion-accuse of crime (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(2) | Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(2) | Theft by extortion-accuse of crime (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(2) | Theft by extortion-accuse of crime (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(2) | Theft by extortion-accuse of crime (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(3) | Theft by extortion-expose secret (anhydrous ammonia) | F-2 | 8 | 2 |
| 3923(a)(3) | Theft by extortion-expose secret (firearm) | F-2 | 8 | 2 |
| 3923(a)(3) | Theft by extortion-expose secret (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(3) | Theft by extortion-expose secret (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(3)* | Theft by extortion-expose secret (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3923(a)(3)* | Theft by extortion-expose secret (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(3) | Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(3) | Theft by extortion-expose secret (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(3) | Theft by extortion-expose secret (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(3) | Theft by extortion-expose secret (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(4) | Theft by extortion-official action (anhydrous ammonia) | F-2 | 8 | 2 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3923(a)(4) | Theft by extortion-official action (firearm) | F-2 | 8 | 2 |
| 3923(a)(4) | Theft by extortion-official action (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(4) | Theft by extortion-official action (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(4)* | Theft by extortion-official action (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3923(a)(4)* | Theft by extortion-official action (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(4) | Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(4) | Theft by extortion-official action (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(4) | Theft by extortion-official action (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(4) | Theft by extortion-official action (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(5) | Theft by extortion-strike/boycott (anhydrous ammonia) | F-2 | 8 | 2 |
| 3923(a)(5) | Theft by extortion-strike/boycott (firearm) | F-2 | 8 | 2 |
| 3923(a)(5) | Theft by extortion-strike/boycott (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(5) | Theft by extortion-strike/boycott (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(5)* | Theft by extortion-strike/boycott (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3923(a)(5)* | Theft by extortion-strike/boycott (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(5) | Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(5) | Theft by extortion-strike/boycott (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(5) | Theft by extortion-strike/boycott (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(5) | Theft by extortion-strike/boycott (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(6) | Theft by extortion-testimony (anhydrous ammonia) | F-2 | 8 | 2 |
| 3923(a)(6) | Theft by extortion-testimony (firearm) | F-2 | 8 | 2 |
| 3923(a)(6) | Theft by extortion-testimony (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(6) | Theft by extortion-testimony (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(6)* | Theft by extortion-testimony (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3923(a)(6)* | Theft by extortion-testimony (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(6) | Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(6) | Theft by extortion-testimony (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(6) | Theft by extortion-testimony (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(6) | Theft by extortion-testimony (<\$50/no threat) | M-3 | 1 | m |
| 3923(a)(7) | Theft by extortion-inflict harm (anhydrous ammonia) | F-2 | 8 | 2 |
| 3923(a)(7) | Theft by extortion-inflict harm (firearm) | F-2 | 8 | 2 |
| 3923(a)(7) | Theft by extortion-inflict harm (=>\$500,000) | F-1 | 8 | 3 |
| 3923(a)(7) | Theft by extortion-inflict harm (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3923(a)(7)* | Theft by extortion-inflict harm (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--|--|
| 3923(a)(7)* | Theft by extortion-inflict harm (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3923(a)(7) | Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach) | M-1 | 4 | m |
| 3923(a)(7) | Theft by extortion-inflict harm (\$200-\$2,000/no threat) | M-1 | 4 | m |
| 3923(a)(7) | Theft by extortion-inflict harm (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3923(a)(7) | Theft by extortion-inflict harm (<\$50/no threat) | M-3 | 1 | m |
| 3924 | Theft of property-lost/mislaid (anhydrous ammonia) | F-2 | 8 | 2 |
| 3924 | Theft of property-lost/mislaid (firearm) | F-2 | 8 | 2 |
| 3924 | Theft of property-lost/mislaid (=>\$500,000) | F-1 | 8 | 3 |
| 3924 | Theft of property-lost/mislaid (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3924* | Theft of property-lost/mislaid (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3924* | Theft of property-lost/mislaid (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3924 | Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3924 | Theft of property-lost/mislaid (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3924 | Theft of property-lost/mislaid (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3924 | Theft of property-lost/mislaid (<\$50/no threat) | M-3 | 1 | m |
| 3925(a) | Theft by receiving stolen property (anhydrous ammonia) | F-2 | 8 | 2 |
| 3925(a) | Theft by receiving stolen property (disaster) | F-2 | 8 | 2 |
| 3925(a) | Theft by receiving stolen property (firearm/receiver in business) | F-1 | 9 | 3 |
| 3925(a) | Theft by receiving stolen property (firearm/receiver not in business) | F-2 | 8 | 2 |
| 3925(a) | Theft of receiving stolen property (=>\$500,000) | F-1 | 8 | 3 |
| 3925(a) | Theft by receiving stolen property (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3925(a)* | Theft of receiving stolen property (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3925(a)* | Theft by receiving stolen property (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3925(a) | Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3925(a) | Theft by receiving stolen property (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3925(a) | Theft by receiving stolen property (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3925(a) | Theft by receiving stolen property (<\$50/no threat) | M-3 | 1 | m |
| 3926(a)(1) | Theft of services-obtain service (anhydrous ammonia) | F-2 | 8 | 2 |
| 3926(a)(1) | Theft of services-obtain service (firearm) | F-2 | 8 | 2 |
| 3926(a)(1) | Theft of services-obtain service (=>\$500,000) | F-1 | 8 | 3 |
| 3926(a)(1) | Theft of services-obtain service (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3926 (a)(1)* | Theft of services-obtain service (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3926(a)(1)* | Theft of services-obtain service (>\$2,000-\$25,000) | F-3 | 5 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--|--|
| 3926(a)(1) | Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3926(a)(1) | Theft of services-obtain service (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3926(a)(1) | Theft of services-obtain service (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3926(a)(1) | Theft of services-obtain service (<\$50/no threat) | M-3 | 1 | m |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (anhydrous ammonia) | F-2 | 8 | 2 |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (firearm) | F-2 | 8 | 2 |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (=>\$500,000) | F-1 | 8 | 3 |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3926(a)(1.1)* | Theft of services-obtain telecommunications (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3926(a)(1.1)* | Theft of services-obtain telecommunications (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3926(a)(1.1) | Theft of services-obtain telecommunications (<\$50/no threat) | M-2 | 2 | m |
| 3926(b) | Theft of services-divert service (anhydrous ammonia) | F-2 | 8 | 2 |
| 3926(b) | Theft of services-divert service (firearm) | F-2 | 8 | 2 |
| 3926(b) | Theft of services-divert service (=>\$500,000) | F-1 | 8 | 3 |
| 3926(b) | Theft of services-divert service (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3926(b)* | Theft of services-divert service (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3926(b)* | Theft of services-divert service (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3926(b) | Theft of services-divert service (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3926(b) | Theft of services-divert service (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3926(b) | Theft of services-divert service (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3926(b) | Theft of services-divert service (<\$50/no threat) | M-3 | 1 | m |
| 3926(e) | Theft of services-transfer device/plan | M-3 | 1 | m |
| 3927(a) | Theft by failure-req. disposition funds (anhydrous ammonia) | F-2 | 8 | 2 |
| 3927(a) | Theft by failure-req. disposition funds (firearm) | F-2 | 8 | 2 |
| 3927(a) | Theft by failure-req. disposition funds (=>\$500,000) | F-1 | 8 | 3 |
| 3927(a) | Theft by failure-req. disposition funds (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3927(a)* | Theft by failure-req. disposition funds (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3927(a)* | Theft by failure-req. disposition funds (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3927(a) | Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3927(a) | Theft by failure-req. disposition funds (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3927(a) | Theft by failure-req. disposition funds (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3927(a) | Theft by failure-req. disposition funds (<\$50/no threat) | M-3 | 1 | m |
| 3928(a) | Unauthorized use of auto | M-2 | 2 | m |
| 3928(a) | Unauthorized use of auto (disaster) | F-2 | 8 | 2 |
| 3929(a)(1) | Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle) | F-3 | 5 | 1 |
| 3929(a)(1) | Retail theft-take merchandise (1st/2nd off & >=\$150) | M-1 | 2 | m |
| 3929(a)(1) | Retail theft-take merchandise (2nd off & <\$150) | M-2 | 2 | m |
| 3929(a)(1) | Retail theft-take merchandise (3rd/subsq off) | F-3 | 3 | 1 |
| 3929(a)(1) | Retail theft-take merchandise (disaster) | F-2 | 8 | 2 |
| 3929(a)(2) | Retail theft-alter price (>\$1,000/or firearm/motor vehicle) | F-3 | 5 | 1 |
| 3929(a)(2) | Retail theft-alter price (1st/2nd off & >=\$150) | M-1 | 2 | m |
| 3929(a)(2) | Retail theft-alter price (2nd off & <\$150) | M-2 | 2 | m |
| 3929(a)(2) | Retail theft-alter price (3rd/subsq off) | F-3 | 3 | 1 |
| 3929(a)(2) | Retail theft-alter price (disaster) | F-2 | 8 | 2 |
| 3929(a)(3) | Retail theft-transfer container (>\$1,000/or firearm/motor vehicle) | F-3 | 5 | 1 |
| 3929(a)(3) | Retail theft-transfer container (1st/2nd off & >=\$150) | M-1 | 2 | m |
| 3929(a)(3) | Retail theft-transfer container (2nd off & <\$150) | M-2 | 2 | m |
| 3929(a)(3) | Retail theft-transfer container (3rd/subsq off) | F-3 | 3 | 1 |
| 3929(a)(3) | Retail theft-transfer container (disaster) | F-2 | 8 | 2 |
| 3929(a)(4) | Retail theft-under-rings (>\$1,000/or firearm/motor vehicle) | F-3 | 5 | 1 |
| 3929(a)(4) | Retail theft-under-rings (1st/2nd off & >=\$150) | M-1 | 2 | m |
| 3929(a)(4) | Retail theft-under-rings (2nd off & <\$150) | M-2 | 2 | m |
| 3929(a)(4) | Retail theft-under-rings (3rd/subsq off) | F-3 | 3 | 1 |
| 3929(a)(4) | Retail theft-under-rings (disaster) | F-2 | 8 | 2 |
| 3929(a)(5) | Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle) | F-3 | 5 | 1 |
| 3929(a)(5) | Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150) | M-1 | 2 | m |
| 3929(a)(5) | Retail theft-tamper w/ inventory tag (2nd off & <\$150) | M-2 | 2 | m |
| 3929(a)(5) | Retail theft-tamper w/ inventory tag (3rd/subsq off) | F-3 | 3 | 1 |
| 3929(a)(5) | Retail theft-tamper w/ inventory tag (disaster) | F-2 | 8 | 2 |
| 3929.1(a) | Library Theft (1st/2nd off & >=\$150) | M-1 | 3 | m |
| 3929.1(a) | Library Theft (2nd off & <\$150) | M-2 | 2 | m |
| 3929.1(a) | Library Theft (3rd/Subsq off) | F-3 | 5 | 1 |
| 3929.2(a) | Unlawful possession-retail/library theft instruments | M-1 | 3 | m |

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|---------------------|---|------------------------|--|--|
| 3929.3(a) | Organized retail theft (>=\$20,000) | F-2 | 7 | 2 |
| 3929.3(a) | Organized retail theft (\$5,000-\$19,999) | F-3 | 6 | 1 |
| 3930(a)(1) | Theft of trade secrets-by force | F-2 | 7 | 2 |
| 3930(a)(2) | Theft of trade secrets-willful entry of building | F-2 | 7 | 2 |
| 3930(a)(3) | Theft of trade secrets-willful access of computer | F-2 | 7 | 2 |
| 3930(b)(1) | Theft of trade secrets-unlawful possession | F-3 | 5 | 1 |
| 3930(b)(2) | Theft of trade secrets-unlawful conversion to own use | F-3 | 5 | 1 |
| 3931 | Theft of unpublished drama, etc. (>\$2,000) | F-3 | 5 | 1 |
| 3931 | Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3931 | Theft of unpublished drama, etc. (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3931 | Theft of unpublished drama, etc. (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3931 | Theft of unpublished drama, etc. (<\$50/no threat) | M-3 | 1 | m |
| 3932(a) | Theft of leased property (anhydrous ammonia) | F-2 | 8 | 2 |
| 3932(a) | Theft of leased property (firearm) | F-2 | 8 | 2 |
| 3932(a) | Theft of leased property (=>\$500,000) | F-1 | 8 | 3 |
| 3932(a) | Theft of leased property (\$100,000-<\$500,000) | F-2 | 7 | 2 |
| 3932(a)* | Theft of leased property (>\$25,000-<\$100,000/or motorized vehicle) | F-3 | 6 | 1 |
| 3932(a)* | Theft of leased property (>\$2,000-\$25,000) | F-3 | 5 | 1 |
| 3932(a) | Theft of leased property (<=\$2,000/from indiv./by threat/breach) | M-1 | 3 | m |
| 3932(a) | Theft of leased property (\$200-\$2,000/no threat) | M-1 | 3 | m |
| 3932(a) | Theft of leased property (\$50-<\$200/no threat) | M-2 | 2 | m |
| 3932(a) | Theft of leased property (<\$50/no threat) | M-3 | 1 | m |
| 3934(a) | Theft from a motor vehicle (3rd/subsq w/in 5 yrs) | F-3 | 6 | 1 |
| 3934(a) | Theft from a motor vehicle (>\$200) | M-1 | 3 | m |
| 3934(a) | Theft from a motor vehicle (>=\$50-<\$200) | M-2 | 2 | m |
| 3934(a) | Theft from a motor vehicle (<\$50) | M-3 | 1 | m |
| 3935.1(a) | Theft of secondary metal (<\$50) | M-3 | 1 | m |
| 3935.1(a) | Theft of secondary metal (\$50-<\$200) | M-2 | 2 | m |
| 3935.1(a) | Theft of secondary metal (\$200-<\$1,000) | M-1 | 3 | m |
| 3935.1(a) | Theft of secondary metal (\$=>\$1,000) | F-3 | 5 | 1 |
| 3935.1(a) | Theft of secondary metal (third/subsq offense) | F-3 | 5 | 1 |
| 4101(a)(1) | Forgery-altered writing (money/stocks/govt docs/etc.) | F-2 | 4 | 2 |
| 4101(a)(1) | Forgery-altered writing (will//deed/other legal doc) | F-3 | 3 | 1 |
| 4101(a)(1) | Forgery-altered writing (other) | M-1 | 3 | m |
| 4101(a)(2) | Forgery-unauthorized writing (money/stocks/govt docs/etc.) | F-2 | 4 | 2 |
| 4101(a)(2) | Forgery-unauthorized writing (will//deed/other legal doc) | F-3 | 3 | 1 |
| 4101(a)(2) | Forgery-unauthorized writing (other) | M-1 | 3 | m |
| 4101(a)(3) | Forgery-utter forged writing (money/stocks/govt docs/etc.) | F-2 | 4 | 2 |
| 4101(a)(3) | Forgery-utter forged writing (will//deed/other legal doc) | F-3 | 3 | 1 |

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|---------------------|--|------------------------|--|--|
| 4101(a)(3) | Forgery-utter forged writing (other) | M-1 | 3 | m |
| 4102 | Simulating objects of antiquity | M-1 | 3 | m |
| 4103 | Fraudulent destruction of recordable instruments | F-3 | 5 | 1 |
| 4104(a) | Tampering w/ records or identification | M-1 | 3 | m |
| 4105(a)(1) | Bad checks-issues/passes check (=>\$75,000) | F-3 | 5 | 1 |
| 4105(a)(1) | Bad checks-issues/passes check (\$1,000-<\$75,000) | M-1 | 3 | m |
| 4105(a)(1) | Bad checks-issues/passes check (\$500-<\$1,000) | M-2 | 2 | m |
| 4105(a)(1) | Bad checks-issues/passes check (\$200-<\$500) | M-3 | 1 | m |
| 4105(a)(1) | Bad checks-issues/passes check (3rd/subsq off & <\$75,000) | M-1 | 3 | m |
| 4105(a)(2) | Bad checks-issues/passes check in Commonwealth (=>\$75,000) | F-3 | 5 | 1 |
| 4105(a)(2) | Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000) | M-1 | 3 | m |
| 4105(a)(2) | Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000) | M-2 | 2 | m |
| 4105(a)(2) | Bad checks-issues/passes check in Commonwealth (\$200-<\$500) | M-3 | 1 | m |
| 4105(a)(2) | Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000) | M-1 | 3 | m |
| 4106(a)(1)(i) | Access device fraud-altered/counterfeit device (>=\$500) | F-3 | 5 | 1 |
| 4106(a)(1)(i) | Access device fraud-altered/counterfeit device (\$50-<\$500) | M-1 | 4 | m |
| 4106(a)(1)(i) | Access device fraud-altered/counterfeit device (<\$50) | M-2 | 3 | m |
| 4106(a)(1)(ii) | Access device fraud-unauthorized use of device (>\$500) | F-3 | 5 | 1 |
| 4106(a)(1)(ii) | Access device fraud-unauthorized use of device (\$50-<\$500) | M-1 | 4 | m |
| 4106(a)(1)(ii) | Access device fraud-unauthorized use of device (<\$50) | M-2 | 3 | m |
| 4106(a)(1)(iii) | Access device fraud-device revoked/cancelled (>=\$500) | F-3 | 5 | 1 |
| 4106(a)(1)(iii) | Access device fraud-device revoked/cancelled (\$50-<\$500) | M-1 | 4 | m |
| 4106(a)(1)(iii) | Access device fraud-device revoked/cancelled (<\$50) | M-2 | 3 | m |
| 4106(a)(1)(iv) | Access device fraud-other (>=\$500) | F-3 | 5 | 1 |
| 4106(a)(1)(iv) | Access device fraud-other (\$50-<\$500) | M-1 | 4 | m |
| 4106(a)(1)(iv) | Access device fraud-other (<\$50) | M-2 | 3 | m |
| 4106(a)(2) | Access device fraud-publishes/makes/sells illegal device | F-3 | 5 | 1 |
| 4106(a)(3) | Access device fraud-knowingly possesses illegal device | M-3 | 2 | m |
| 4106.1(a)(1) | Unlawful device-making equipment (produces/traffics) | F-3 | 6 | 1 |
| 4106.1(a)(2) | Unlawful device-making equipment (possesses) | M-1 | 4 | m |
| 4107(a)(1) | Deceptive business practices-false weight/measure (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(1) | Deceptive business practices-false weight/measure (\$200-\$2,000) | M-1 | 3 | m |

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|---------------------|--|------------------------|--|--|
| 4107(a)(1) | Deceptive business practices-false weight/measure (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(1) | Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(1) | Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(1) | Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(2) | Deceptive business practices-sells < rep. quantity (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(2) | Deceptive business practices-sells < rep. quantity (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(2) | Deceptive business practices-sells < rep. quantity (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(2) | Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(2) | Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(2) | Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(3) | Deceptive business practices-take > rep. quantity (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(3) | Deceptive business practices-take > rep. quantity (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(3) | Deceptive business practices-take > rep. quantity (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(3) | Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(3) | Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(3) | Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(4) | Deceptive business practices-sell adulterated goods (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(4) | Deceptive business practices-sell adulterated goods (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(4) | Deceptive business practices-sell adulterated goods (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(4) | Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(4) | Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(4) | Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(5) | Deceptive business practices-false advertisement (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(5) | Deceptive business practices-false advertisement (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(5) | Deceptive business practices-false advertisement (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(5) | Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(5) | Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |

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|---------------------|--|------------------------|--|--|
| 4107(a)(5) | Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(6) | Deceptive business practices-false statement to obtain credit (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(6) | Deceptive business practices-false statement to obtain credit (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(6) | Deceptive business practices-false statement to obtain credit (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(6) | Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(6) | Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(6) | Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(7) | Deceptive business practices-false statement to sell securities (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(7) | Deceptive business practices-false statement to sell securities (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(7) | Deceptive business practices-false statement to sell securities (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(7) | Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(7) | Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(7) | Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(8) | Deceptive business practices-false statement to investor (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(8) | Deceptive business practices-false statement to investor (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(8) | Deceptive business practices-false statement to investor (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(8) | Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(8) | Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(8) | Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107(a)(9) | Deceptive business practices-false statement via phone (>\$2,000) | F-3 | 5 | 1 |
| 4107(a)(9) | Deceptive business practices-false statement via phone (\$200-\$2,000) | M-1 | 3 | m |
| 4107(a)(9) | Deceptive business practices-false statement via phone (<\$200/amt unk) | M-2 | 2 | m |
| 4107(a)(9) | Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs) | F-2 | 7 | 2 |
| 4107(a)(9) | Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs) | F-3 | 5 | 1 |
| 4107(a)(9) | Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs) | M-1 | 3 | m |
| 4107.1(a) | Deception relating to kosher food products | M-3 | 1 | m |
| 4107.2(a)(1) | Deception minority/women's business-fraud to obtain certif. | F-3 | 4 | 1 |

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|---------------------|--|------------------------|--------------------------------------|--|
| 4107.2(a)(2) | Deception minority/women's business-false statement to deny certif. | F-3 | 4 | 1 |
| 4107.2(a)(3) | Deception minority/women's business-obstruct investigation for certif. | F-3 | 4 | 1 |
| 4107.2(a)(4) | Deception minority/women's business-fraudulent obtain public money | F-3 | 4 | 1 |
| 4108(a) | Commercial bribery/breach of duty-corrupt employee/agent/fiduciary | M-2 | 2 | m |
| 4108(b) | Commercial bribery/breach of duty-corrupt disinterested person | M-2 | 2 | m |
| 4108(c) | Commercial bribery/breach of duty-solicitation | M-2 | 2 | m |
| 4109(a)(1) | Rigging publicly exhibited contest-confer benefit/threaten injury | M-1 | 3 | m |
| 4109(a)(2) | Rigging publicly exhibited contest-tamper w/ person/animal/thing | M-1 | 3 | m |
| 4109(b) | Rigging publicly exhibited contest-solicit/accept benefit for rigging | M-1 | 3 | m |
| 4109(c) | Rigging publicly exhibited contest-participate in rigged contest | M-1 | 3 | m |
| 4110 | Defrauding secured creditors | M-2 | 2 | m |
| 4111 | Fraud in Insolvency | M-2 | 2 | m |
| 4111(1) | Fraud in insolvency-destroys/etc. property to obstruct creditor claim | M-2 | 2 | m |
| 4111(2) | Fraud in insolvency-falsify writing/record of property | M-2 | 2 | m |
| 4111(3) | Fraud in insolvency-knowingly misrepresent/refuse to disclose property | M-2 | 2 | m |
| 4112 | Receiving deposits in failing financial institution | M-2 | 2 | m |
| 4113(a) | Misapplication of entrusted property (>\$50) | M-2 | 2 | m |
| 4113(a) | Misapplication of entrusted property (<=\$50) | M-3 | 1 | m |
| 4114 | Securing execution of documents by deception | M-2 | 2 | m |
| 4115 | Falsely impersonating persons privately employed | M-2 | 2 | m |
| 4116(b)(1) | Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings) | F-3 | 5 | 1 |
| 4116(b)(1) | Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off) | F-2 | 7 | 2 |
| 4116(b)(1) | Copying; recording devices-knowingly transfer sounds for profit (any other 1st off) | M-1 | 3 | m |
| 4116(b)(1) | Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off) | F-3 | 5 | 1 |
| 4116(b)(2) | Copying; recording devices-manufacture/etc. w/knowledge of transfer (100+ motion pict./1000+ recordings) | F-3 | 5 | 1 |
| 4116(b)(2) | Copying; recording devices-manufacture/etc. w/knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off) | F-2 | 7 | 2 |
| 4116(b)(2) | Copying; recording devices-manufacture/etc. w/knowledge of transfer (any other 1st off) | M-1 | 3 | m |
| 4116(b)(2) | Copying; recording devices-manufacture/etc. w/knowledge of transfer (any other 2nd/subsq off) | F-3 | 5 | 1 |

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|---------------------|--|------------------------|--------------------------------------|--|
| 4116(d) | Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings) | F-3 | 5 | 1 |
| 4116(d) | Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off) | F-2 | 7 | 2 |
| 4116(d) | Copying; recording devices-sell/rent illegal recording device (any other 1st off) | M-1 | 3 | m |
| 4116(d) | Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off) | F-3 | 5 | 1 |
| 4116(d.1)(1) | Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings) | F-3 | 5 | 1 |
| 4116(d.1)(1) | Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off) | F-2 | 7 | 2 |
| 4116(d.1)(1) | Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off) | M-1 | 3 | m |
| 4116(d.1)(1) | Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off) | F-3 | 5 | 1 |
| 4116(e) | Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings) | F-3 | 5 | 1 |
| 4116(e) | Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off) | F-2 | 7 | 2 |
| 4116(e) | Copying; recording devices-mfr. name on packaging (any other 1st off) | M-1 | 3 | m |
| 4116(e) | Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off) | F-3 | 5 | 1 |
| 4116.1(a) | Unlawful use of recording device in movie theater (1st off) | M-1 | 3 | m |
| 4116.1(a) | Unlawful use of recording device in movie theater (2nd/subsq off) | F-3 | 4 | 1 |
| 4117(a)(1) | Insurance fraud-false document to gvt. agency for ins. rate | F-3 | 4 | 1 |
| 4117(a)(2) | Insurance fraud-false insurance claim | F-3 | 4 | 1 |
| 4117(a)(3) | Insurance fraud-assist/conspire/etc. in false insurance claim | F-3 | 4 | 1 |
| 4117(a)(4) | Insurance fraud-unlicensed agent activity | F-3 | 4 | 1 |
| 4117(a)(5) | Insurance fraud-knowingly benefits from proceeds | F-3 | 4 | 1 |
| 4117(a)(6) | Insurance fraud-health care facility allows insurance fraud | F-3 | 4 | 1 |
| 4117(a)(7) | Insurance fraud-borrows/uses another's ins. ID w/intent to defraud | F-3 | 4 | 1 |
| 4117(a)(8) | Insurance fraud-direct/indirect solicitation for pecuniary gain | F-3 | 4 | 1 |
| 4117(b)(1) | Insurance fraud-unlawful compensation by attorney | M-1 | 3 | m |
| 4117(b)(2) | Insurance fraud-unlawful compensation by provider | M-1 | 3 | m |
| 4117(b)(3) | Insurance fraud-unlawful compensation for patient referral | M-1 | 3 | m |
| 4117(b)(4) | Insurance fraud-false insurance application | M-1 | 3 | m |
| 4118 | Washing vehicle titles | F-3 | 4 | 1 |
| 4119(a)(1) | Trademark counterfeiting-mfr. | M-1 | 3 | m |

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|---------------------|--|------------------------|--|--|
| 4119(a)(1) | Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(1) | Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4119(a)(2) | Trademark counterfeiting-sells | M-1 | 3 | m |
| 4119(a)(2) | Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(2) | Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4119(a)(3) | Trademark counterfeiting-offers for sale | M-1 | 3 | m |
| 4119(a)(3) | Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(3) | Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4119(a)(4) | Trademark counterfeiting-displays | M-1 | 3 | m |
| 4119(a)(4) | Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(4) | Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4119(a)(5) | Trademark counterfeiting-advertises | M-1 | 3 | m |
| 4119(a)(5) | Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(5) | Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4119(a)(6) | Trademark counterfeiting-distributes | M-1 | 3 | m |
| 4119(a)(6) | Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(6) | Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4119(a)(7) | Trademark counterfeiting-transport | M-1 | 3 | m |
| 4119(a)(7) | Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value) | F-3 | 5 | 1 |
| 4119(a)(7) | Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value) | F-2 | 7 | 2 |
| 4120(a) | Identity theft (>=\$2,000) | F-3 | 5 | 1 |
| 4120(a) | Identity theft (<\$2,000) | M-1 | 3 | m |
| 4120(a) | Identity theft (3rd/subsq off) | F-2 | 7 | 2 |
| 4120(a) | Identity theft (furtherance of conspiracy) | F-3 | 5 | 1 |
| 4120(a) | Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent) | F-2 | 7 | 2 |
| 4120(a) | Identity theft (<\$2,000 and victim >=60 yrs/care-dependent) | F-3 | 5 | 1 |
| 4120(a) | Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent) | F-1 | 8 | 3 |
| 4120(a) | Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent) | F-2 | 7 | 2 |
| 4120(a) | Identity theft (<\$2,000 and victim <18 yrs) | F-3 | 5 | 1 |
| 4120(a) | Identity theft (>=\$2,000 and victim <18 yrs) | F-2 | 7 | 2 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 4120(a) | Identity theft (3rd/subsq off and victim <18 yrs) | F-1 | 8 | 3 |
| 4120(a) | Identity theft (furtherance of conspiracy and victim <18 yrs) | F-2 | 7 | 2 |
| 4121(a)(1)(i) | Possession and use of unlawful device-intent to defraud (access, read, etc) | F-3 | 5 | 1 |
| 4121(a)(1)(i) | Possession and use of unlawful device-intent to defraud (access, read, etc.) (2nd/subsq offense) | F-2 | 7 | 2 |
| 4121(a)(1)(ii) | Possession and use of unlawful device-intent to defraud (places information) | F-3 | 5 | 1 |
| 4121(a)(1)(ii) | Possession and use of unlawful device-intent to defraud (places information) (2nd/subsq offense) | F-2 | 7 | 2 |
| 4121(a)(2) | Possession and use of unlawful device-knowingly possesses, sells or delivers device | F-3 | 5 | 1 |
| 4121(a)(2) | Possession and use of unlawful device-knowingly possesses, sells or delivers device (2nd/subsq offense) | F-2 | 7 | 2 |
| 4301(a) | Bigamy (by married person) | M-2 | 3 | m |
| 4301(b) | Bigamy (knowing other person committing bigamy) | M-2 | 3 | m |
| 4302(a) | Incest (victim >18 yrs.) | F-2 | 9 | 4 |
| 4302(b)(1) | Incest-of a minor (victim <13 yrs.) | F-2 | 9 | 4 |
| 4302(b)(2) | Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older) | F-2 | 9 | 4 |
| 4303(a) | Concealing death of child | M-1 | 3 | m |
| 4304(a)(1) | Endangering welfare of children-violate duty of care | M-1 | 5 | 1 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care (child <6 yrs) | F-3 | 6 | 1 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care (course of conduct) | F-3 | 6 | 1 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs) | F-2 | 8 | 2 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care: substantial risk of death/SBI | F-3 | 6 | 1 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child <6 yrs) | F-2 | 8 | 2 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct) | F-2 | 8 | 2 |
| 4304(a)(1) | Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child <6 yrs) | F-1 | 9 | 3 |
| 4304(a)(2) | Endangering welfare of children-official prevents/interferes w/ reporting | M-1 | 5 | 1 |
| 4304(a)(2) | Endangering welfare of children-official prevents/interferes w/ reporting (child <6 yrs) | F-3 | 6 | 1 |
| 4304(a)(2) | Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct) | F-3 | 6 | 1 |
| 4304(a)(2) | Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs) | F-2 | 8 | 2 |
| 4305 | Dealing in infant children | M-1 | 4 | 1 |
| 4701(a)(1) | Bribery in official & political matters-pecuniary benefit as public servant | F-3 | 5 | 1 |

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|---------------------|--|------------------------|--------------------------------------|--|
| 4701(a)(2) | Bribery in official & political matters-benefit for judicial/admin./legis. proceedings | F-3 | 5 | 1 |
| 4701(a)(3) | Bribery in official & political matters-benefit for legal duty as public servant | F-3 | 5 | 1 |
| 4702(a)(1) | Threats-to influence decision as public servant | M-2 | 2 | m |
| 4702(a)(1) | Threats-to influence decision as public servant (threat to commit crime) | F-3 | 5 | 1 |
| 4702(a)(2) | Threats-to influence decision in judicial/admin. proceedings | M-2 | 2 | m |
| 4702(a)(2) | Threats-to influence decision in judicial/admin. proceedings (threat to commit crime) | F-3 | 5 | 1 |
| 4702(a)(3) | Threats-harm for legal duty as public servant | M-2 | 2 | m |
| 4702(a)(3) | Threats-harm for legal duty as public servant (threat to commit crime) | F-3 | 5 | 1 |
| 4703 | Retaliation for past official action | M-2 | 2 | m |
| 4902(a) | Perjury | F-3 | 5 | 1 |
| 4903(a)(1) | False swearing in official matters-in official proceeding | M-2 | 2 | m |
| 4903(a)(2) | False swearing in official matters-to mislead public servant | M-2 | 2 | m |
| 4903(b) | False swearing-statement required to be sworn | M-3 | 1 | m |
| 4904(a)(1) | Unsworn falsification to authorities-written statement | M-2 | 2 | m |
| 4904(a)(2) | Unsworn falsification to authorities-relies on false writing | M-2 | 2 | m |
| 4904(a)(3) | Unsworn falsification to authorities-relies on false specimen/map/boundary, etc. | M-2 | 2 | m |
| 4904(b) | Unsworn falsification to authorities-statement under penalty | M-3 | 1 | m |
| 4905(a) | False alarms to agency of public safety | M-1 | 3 | m |
| 4905(a) | False alarms to agency of public safety (state of emergency) | F-3 | 5 | 1 |
| 4906(a) | False reports-falsely incriminate another | M-2 | 2 | m |
| 4906(a) | False reports-falsely incriminate another (report of theft/loss of firearm) | M-1 | 3 | m |
| 4906(a) | False reports-falsely incriminate another (state of emergency) | M-1 | 3 | m |
| 4906(b)(1) | False reports-fictitious report to law enforcement | M-3 | 1 | m |
| 4906(b)(1) | False reports-fictitious report to law enforcement (report of theft/loss of firearm) | M-2 | 2 | m |
| 4906(b)(1) | False reports-fictitious report to law enforcement (state of emergency) | M-2 | 2 | m |
| 4906(b)(2) | False reports-fictitious report of information | M-3 | 1 | m |
| 4906(b)(2) | False reports-fictitious report of information (report of theft/loss of firearm) | M-2 | 2 | m |
| 4906(b)(2) | False Reports-fictitious report of information (state of emergency) | M-2 | 2 | m |
| 4906.1 | False reports of child abuse | M-2 | 2 | m |
| 4909 | Witness or informant taking bribe | F-3 | 5 | 1 |
| 4910(1) | Tampering w/ physical evidence-intent to impair availability | M-2 | 2 | m |
| 4910(2) | Tampering w/ physical evidence-false record etc. | M-2 | 2 | m |

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|---------------------|---|------------------------|--------------------------------------|--|
| 4911(a)(1) | Tampering w/ public records-false entry/govt. doc | M-2 | 2 | m |
| 4911(a)(1) | Tampering w/ public records-false entry/govt. doc. (to defraud) | F-3 | 4 | 1 |
| 4911(a)(2) | Tampering w/ public records-presenting false document | M-2 | 2 | m |
| 4911(a)(2) | Tampering w/ public records-presenting false document (to defraud) | F-3 | 4 | 1 |
| 4911(a)(3) | Tampering w/ public records-intent to impair doc. availability | M-2 | 2 | m |
| 4911(a)(3) | Tampering w/ public records-intent to impair doc. availability (to defraud) | F-3 | 4 | 1 |
| 4912 | Impersonating a public servant | M-2 | 2 | m |
| 4913(a) | Impersonating a notary public | M-2 | 2 | m |
| 4913(a) | Impersonating a notary public (intent to harm/defraud) | M-1 | 3 | m |
| 4913(a) | Impersonating a doctor of medicine (provides medical advice or treatment) | M-1 | 3 | m |
| 4914(a) | False identification to law enforcement authorities | M-3 | 1 | m |
| 4915.1(a)(1) | Fail to register with PSP-15 yr. registration (1st off) | F-3 | 6 | 1 |
| 4915.1(a)(1) | Fail to register with PSP-15 yr. registration (2nd/subsq off) | F-2 | 8 | 2 |
| 4915.1(a)(1) | Fail to register with PSP-25 yr. registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a)(1) | Fail to register with PSP-25 yr. registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a)(1) | Fail to register with PSP-lifetime registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a)(1) | Fail to register with PSP-lifetime registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a)(2) | Fail to verify address/be photo'd-15 yr. registration (1st off) | F-3 | 6 | 1 |
| 4915.1(a)(2) | Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off) | F-2 | 8 | 2 |
| 4915.1(a)(2) | Fail to verify address/be photo'd-25 yr. registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a)(2) | Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a)(2) | Fail to verify address/be photo'd-lifetime registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a)(2) | Fail to verify address/be photo'd-lifetime registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a)(3) | Fail to provide accurate information-15 yr. registration | F-2 | 8 | 2 |
| 4915.1(a)(3) | Fail to provide accurate information-25 yr. registration | F-1 | 10 | 3 |
| 4915.1(a)(3) | Fail to provide accurate information-lifetime registration | F-1 | 10 | 3 |
| 4915.1(a.1)(1) | Fail to register with PSP: transient-15 yr. registration (1st off) | F-3 | 6 | 1 |
| 4915.1(a.1)(1) | Fail to register with PSP: transient-15 yr. registration (2nd/subsq off) | F-2 | 8 | 2 |
| 4915.1(a.1)(1) | Fail to register with PSP: transient-25 yr. registration (1st off) | F-2 | 8 | 2 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--|--|
| 4915.1(a.1)(1) | Fail to register with PSP: transient-25 yr. registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a.1)(1) | Fail to register with PSP: transient-lifetime registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a.1)(1) | Fail to register with PSP: transient-lifetime registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a.1)(2) | Fail to verify address/be photo'd: transient-15 yr. registration (1st off) | F-3 | 6 | 1 |
| 4915.1(a.1)(2) | Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off) | F-2 | 8 | 2 |
| 4915.1(a.1)(2) | Fail to verify address/be photo'd: transient-25 yr. registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a.1)(2) | Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a.1)(2) | Fail to verify address/be photo'd: transient-lifetime registration (1st off) | F-2 | 8 | 2 |
| 4915.1(a.1)(2) | Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.1(a.1)(3) | Fail to provide accurate info.: transient-15 yr. registration | F-2 | 8 | 2 |
| 4915.1(a.1)(3) | Fail to provide accurate info.: transient-25 yr. registration | F-1 | 10 | 3 |
| 4915.1(a.1)(3) | Fail to provide accurate info.: transient-lifetime registration | F-1 | 10 | 3 |
| 4915.1(a.2)(1) | Fail to comply w/ SVP outpatient review/counseling | M-1 | 5 | m |
| 4915.1(a.2)(2) | Fail to comply w/ counseling req. from other jurisdiction | M-1 | 5 | m |
| 4915.2(a)(1) | Fail to register-10 year registration | F-3 | 6 | 1 |
| 4915.2(a)(1) | Fail to register-10 year registration (2nd/subsq off) | F-2 | 8 | 2 |
| 4915.2(a)(1) | Fail to register-lifetime registration | F-2 | 8 | 2 |
| 4915.2(a)(1) | Fail to register-lifetime registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.2(a)(2) | Fail to verify address/be photographed-10 year registration | F-3 | 6 | 1 |
| 4915.2(a)(2) | Fail to verify address/be photographed-10 year registration (2nd/subsq off) | F-2 | 8 | 2 |
| 4915.2(a)(2) | Fail to verify address/be photographed-lifetime registration | F-2 | 8 | 2 |
| 4915.2(a)(2) | Fail to verify address/be photographed-lifetime registration (2nd/subsq off) | F-1 | 10 | 3 |
| 4915.2(a)(3) | Fail to provide accurate information-10 year registration | F-2 | 8 | 2 |
| 4915.2(a)(3) | Fail to provide accurate information-lifetime registration | F-1 | 10 | 3 |
| 4915.2(a.1)(1) | Fail to comply with SVP counseling requirements | M-1 | 5 | m |
| 4915.2(a.1)(2) | Fail to comply with SVP counseling requirements (another jurisdiction) | M-1 | 5 | m |
| 4952(a)(1) | Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2) | F-1 | 11 | 4 |
| 4952(a)(1) | Intimidation of witness/victim-refrain from reporting (listed factor & F-2) | F-2 | 9 | 2 |
| 4952(a)(1) | Intimidation of witness/victim-refrain from reporting (listed factor) | F-3 | 7 | 1 |

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|---------------------|--|------------------------|--------------------------------------|--|
| 4952(a)(1) | Intimidation of witness/victim-refrain from reporting (general) | M-2 | 5 | m |
| 4952(a)(2) | Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2) | F-1 | 11 | 4 |
| 4952(a)(2) | Intimidation of witness/victim-false/misleading info. (listed factor & F-2) | F-2 | 9 | 2 |
| 4952(a)(2) | Intimidation of witness/victim-false/misleading info. (listed factor) | F-3 | 7 | 1 |
| 4952(a)(2) | Intimidation of witness/victim-false/misleading info. (general) | M-2 | 5 | m |
| 4952(a)(3) | Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2) | F-1 | 11 | 4 |
| 4952(a)(3) | Intimidation of witness/victim-withhold info. (listed factor & F-2) | F-2 | 9 | 2 |
| 4952(a)(3) | Intimidation of witness/victim-withhold info. (listed factor) | F-3 | 7 | 1 |
| 4952(a)(3) | Intimidation of witness/victim-withhold info. (general) | M-2 | 5 | m |
| 4952(a)(4) | Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2) | F-1 | 11 | 4 |
| 4952(a)(4) | Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2) | F-2 | 9 | 2 |
| 4952(a)(4) | Intimidation of witness/victim-false info/refuse testimony (listed factor) | F-3 | 7 | 1 |
| 4952(a)(4) | Intimidation of witness/victim-false info/refuse testimony (general) | M-2 | 5 | m |
| 4952(a)(5) | Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2) | F-1 | 11 | 4 |
| 4952(a)(5) | Intimidation of witness/victim-evade/ignore summons (listed factor & F-2) | F-2 | 9 | 2 |
| 4952(a)(5) | Intimidation of witness/victim-evade/ignore summons (listed factor) | F-3 | 7 | 1 |
| 4952(a)(5) | Intimidation of witness/victim-evade/ignore summons (general) | M-2 | 5 | m |
| 4952(a)(6) | Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2) | F-1 | 11 | 4 |
| 4952(a)(6) | Intimidation of witness/victim-absent from proceeding (listed factor & F-2) | F-2 | 9 | 2 |
| 4952(a)(6) | Intimidation of witness/victim-absent from proceeding (listed factor) | F-3 | 7 | 1 |
| 4952(a)(6) | Intimidation of witness/victim-absent from proceeding (general) | M-2 | 5 | m |
| 4953(a) | Retaliation against witness/victim-listed factor | F-3 | 8 | 1 |
| 4953(a) | Retaliation against witness/victim-general | M-2 | 5 | m |
| 4953.1(a) | Retaliation against prosecutor/judicial official-listed factor | F-2 | 9 | 2 |
| 4953.1(a) | Retaliation against prosecutor/judicial official-general | M-1 | 6 | m |
| 4958(a)(1) | Intimidation child abuse case-knowledge/intent to impede, etc. | M-2 | 5 | m |
| 4958(a)(1) | Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.) | F-2 | 7 | 2 |

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|---------------------|--|------------------------|--------------------------------------|--|
| 4958(a)(1) | Intimidation child abuse case-knowledge/intent to impede, etc. (benefit) | F-2 | 7 | 2 |
| 4958(a)(1) | Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp) | F-2 | 7 | 2 |
| 4958(a)(1) | Intimidation child abuse case-knowledge/intent to impede, etc. (other person) | F-2 | 7 | 2 |
| 4958(a)(1) | Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv) | F-2 | 7 | 2 |
| 4958(a)(2)(i) | Intimidation child abuse cases-intimidate/attempt refrain from/cause not report | M-2 | 5 | m |
| 4958(a)(2)(i) | Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.) | F-2 | 7 | 2 |
| 4958(a)(2)(i) | Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit) | F-2 | 7 | 2 |
| 4958(a)(2)(i) | Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp) | F-2 | 7 | 2 |
| 4958(a)(2)(i) | Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person) | F-2 | 7 | 2 |
| 4958(a)(2)(i) | Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv) | F-2 | 7 | 2 |
| 4958(a)(2)(ii) | Intimidation child abuse cases-intimidate/attempt withhold information | M-2 | 5 | m |
| 4958(a)(2)(ii) | Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.) | F-2 | 7 | 2 |
| 4958(a)(2)(ii) | Intimidation child abuse cases-intimidate/attempt withhold information (benefit) | F-2 | 7 | 2 |
| 4958(a)(2)(ii) | Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp) | F-2 | 7 | 2 |
| 4958(a)(2)(ii) | Intimidation child abuse cases-intimidate/attempt withhold information (other person) | F-2 | 7 | 2 |
| 4958(a)(2)(ii) | Intimidation child abuse cases-intimidate/attempt withhold information (prior conv) | F-2 | 7 | 2 |
| 4958(a)(2)(iii) | Intimidation child abuse cases-intimidate/attempt false/misleading information | M-2 | 5 | m |
| 4958(a)(2)(iii) | Intimidation child abuse cases-intimidate/attempt false/misleading information (force, etc.) | F-2 | 7 | 2 |
| 4958(a)(2)(iii) | Intimidation child abuse cases-intimidate/attempt false/misleading information (benefit) | F-2 | 7 | 2 |
| 4958(a)(2)(iii) | Intimidation child abuse cases-intimidate/attempt false/misleading information (furtherance consp) | F-2 | 7 | 2 |
| 4958(a)(2)(iii) | Intimidation child abuse cases-intimidate/attempt false/misleading information (other person) | F-2 | 7 | 2 |
| 4958(a)(2)(iii) | Intimidation child abuse cases-intimidate/attempt false/misleading information (prior conv) | F-2 | 7 | 2 |
| 4958(a)(2)(iv) | Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process | M-2 | 5 | m |
| 4958(a)(2)(iv) | Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (force) | F-2 | 7 | 2 |
| 4958(a)(2)(iv) | Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (benefit) | F-2 | 7 | 2 |
| 4958(a)(2)(iv) | Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (furtherance consp) | F-2 | 7 | 2 |
| 4958(a)(2)(iv) | Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (other person) | F-2 | 7 | 2 |

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| 4958(a)(2)(iv) | Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (prior conv) | F-2 | 7 | 2 |
| 4958(a)(2)(v) | Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process | M-2 | 5 | m |
| 4958(a)(2)(v) | Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (force) | F-2 | 7 | 2 |
| 4958(a)(2)(v) | Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (benefit) | F-2 | 7 | 2 |
| 4958(a)(2)(v) | Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (furtherance consp) | F-2 | 7 | 2 |
| 4958(a)(2)(v) | Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (other person) | F-2 | 7 | 2 |
| 4958(a)(2)(v) | Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (prior conv) | F-2 | 7 | 2 |
| 4958(b) | Retaliation child abuse cases | M-2 | 5 | m |
| 4958(b) | Retaliation child abuse cases (force) | F-2 | 8 | 2 |
| 4958(b) | Retaliation child abuse cases (benefit) | F-2 | 8 | 2 |
| 4958(b) | Retaliation child abuse cases (furtherance consp) | F-2 | 8 | 2 |
| 4958(b) | Retaliation child abuse cases (other person) | F-2 | 8 | 2 |
| 4958(b) | Retaliation child abuse cases (prior conv) | F-2 | 8 | 2 |
| 4958(b.1) | Obstruction child abuse cases | M-2 | 5 | m |
| 4958(b.1) | Obstruction child abuse cases (force) | F-2 | 7 | 2 |
| 4958(b.1) | Obstruction child abuse cases (benefit) | F-2 | 7 | 2 |
| 4958(b.1) | Obstruction child abuse cases (furtherance consp) | F-2 | 7 | 2 |
| 4958(b.1) | Obstruction child abuse cases (other person) | F-2 | 7 | 2 |
| 4958(b.1) | Obstruction child abuse cases (prior conv) | F-2 | 7 | 2 |
| 5101 | Obstructing admin. of law/other govt. function | M-2 | 3 | m |
| 5102(a) | Obstructing/impeding justice by picketing | M-2 | 2 | m |
| 5103 | Unlawfully listening into deliberations of jury | M-3 | 1 | m |
| 5103.1 | Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area | M-2 | 2 | m |
| 5103.1 | Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2nd/subsq) | M-1 | 3 | m |
| 5104 | Resisting arrest, etc. | M-2 | 2 | m |
| 5104.1(a) | Disarming law enforcement officer | F-3 | 5 | 1 |
| 5105(a)(1) | Hindering apprehension-harbors/conceals | M-2 | 2 | m |
| 5105(a)(1) | Hindering apprehension-harbors/conceals (charge is F1/F2) | F-3 | 4 | 1 |
| 5105(a)(2) | Hindering apprehension-provides aid to avoid apprehension | M-2 | 2 | m |
| 5105(a)(2) | Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2) | F-3 | 4 | 1 |
| 5105(a)(3) | Hindering apprehension-conceal/destroy evidence | M-2 | 2 | m |
| 5105(a)(3) | Hindering apprehension-conceal/destroy evidence (charge is F1/F2) | F-3 | 4 | 1 |
| 5105(a)(4) | Hindering apprehension-warn of apprehension | M-2 | 2 | m |
| 5105(a)(4) | Hindering apprehension-warn of apprehension (charge is F1/F2) | F-3 | 4 | 1 |

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| 5105(a)(5) | Hindering apprehension-false info. to law enforcement ofc. | M-2 | 2 | m |
| 5105(a)(5) | Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2) | F-3 | 4 | 1 |
| 5107(a) | Aiding consummation of crime | M-2 | 2 | m |
| 5107(a) | Aiding consummation of crime (principal off is F1/F2) | F-3 | 5 | 1 |
| 5108(a) | Compounding | M-2 | 2 | m |
| 5109 | Barratry-vex with unjust/vexatious suits | M-3 | 1 | m |
| 5110 | Contempt of General Assembly | M-3 | 1 | m |
| 5111(a)(1) | Dealing in proceeds of unlawful activities-intent to promote act | F-1 | 8 | 3 |
| 5111(a)(2) | Dealing in proceeds of unlawful activities-designed to conceal proceeds | F-1 | 8 | 3 |
| 5111(a)(3) | Dealing in proceeds of unlawful activities-avoid transaction report req. | F-1 | 8 | 3 |
| 5112(a) | Obstructing emergency services | M-3 | 1 | m |
| 5121(a) | Permitting/facilitating escape | M-2 | 3 | m |
| 5121(a) | Escape | M-2 | 3 | m |
| 5121(a)* | Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough) | F-3 | 5 | 1 |
| 5121(a)* | Escape (all other specified escapes) | F-3 | 6 | 1 |
| 5121(a)* | Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough) | F-3 | 5 | 1 |
| 5121(a)* | Permitting/facilitating escape (all other specified escapes) | F-3 | 6 | 1 |
| 5122(a)(1) | Weapons/implements for escape-provide to inmate | M-1 | 8 | m |
| 5122(a)(2) | Weapons/implements for escape-possession by inmate | M-1 | 4 | m |
| 5123(a) | Contraband-provide controlled substance to inmate | F-2 | 7 | 2 |
| 5123(a.2) | Contraband-possession of controlled substance by inmate | F-2 | 7 | 2 |
| 5123(b) | Contraband-provide money to inmate | M-3 | 1 | m |
| 5123(c) | Contraband-provide other contraband to inmate | M-1 | 3 | m |
| 5123(c.1) | Contraband-provide telecom. device to inmate | M-1 | 5 | m |
| 5123(c.2) | Contraband-possession of telecom. device by inmate | M-1 | 3 | m |
| 5124(a) | Default in required appearance (felony) | F-3 | 4 | 1 |
| 5124(a) | Default in required appearance (non-felony) | M-2 | 2 | m |
| 5125 | Absconding witness | M-3 | 1 | m |
| 5126(a) | Flight to avoid apprehension (felony) | F-3 | 5 | 1 |
| 5126(a) | Flight to avoid apprehension (misd.) | M-2 | 2 | m |
| 5131(a)(1) | Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs) | M-2 | 2 | m |
| 5131(a)(1) | Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs) | M-1 | 3 | 1 |
| 5131(a)(2) | Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs) | M-1 | 3 | 1 |

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| 5131(a)(2) | Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs) | F-3 | 5 | 1 |
| 5131(a)(3) | Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs) | F-3 | 5 | 1 |
| 5131(a)(3) | Recruiting criminal gang member-inflict SBI (recruitee <16 yrs) | F-2 | 7 | 2 |
| 5301(1) | Official oppression-subjects another to arrest, etc. | M-2 | 2 | m |
| 5301(2) | Official oppression-denies another enjoyment of rights | M-2 | 2 | m |
| 5302(1) | Speculating/wagering on official action-acquires pecuniary interest | M-2 | 2 | m |
| 5302(2) | Speculating/wagering on official action-speculates on information | M-2 | 2 | m |
| 5302(3) | Speculating/wagering on official action-aids another | M-2 | 2 | m |
| 5501(1) | Riot-intent to commit felony/misd. | F-3 | 4 | 1 |
| 5501(2) | Riot-intent to prevent/coerce official action | F-3 | 4 | 1 |
| 5501(3) | Riot-actor/other plans to use deadly weapon | F-3 | 4 | 1 |
| 5502 | Failure to disperse upon official order | M-2 | 2 | m |
| 5503(a)(1) | Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning) | M-3 | 1 | m |
| 5503(a)(2) | Disorderly conduct-unreasonable noise (substantial harm/persist after warning) | M-3 | 1 | m |
| 5503(a)(3) | Disorderly conduct-obscene language (substantial harm/persist after warning) | M-3 | 1 | m |
| 5503(a)(4) | Disorderly conduct-hazardous condition (substantial harm/persist after warning) | M-3 | 1 | m |
| 5506 | Loitering and prowling at night time | M-3 | 1 | m |
| 5507(a) | Obstructing highway, etc.-after warning | M-3 | 1 | m |
| 5508 | Disrupting meetings and processions | M-3 | 1 | m |
| 5509(a)(1) | Desecration of venerated objects-intentional (public monument, etc.) | M-2 | 2 | m |
| 5509(a)(2) | Desecration of venerated objects-intentional (object of veneration) | M-2 | 2 | m |
| 5509(a)(3) | Desecration of venerated objects-sell veteran's marker | M-2 | 2 | m |
| 5509(a.1) | Desecration of venerated objects-historic burial lots | M-1 | 3 | m |
| 5510 | Abuse of corpse | M-2 | 3 | m |
| 5532(a)(1)* | Neglect of animal-fails to provide sustenance/water (cause BI/risk SBI) | M-3 | 1 | m |
| 5532(a)(1)* | Neglect of animal-violates 5536 tethering an unattended dog (cause BI/risk SBI) | M-3 | 1 | m |
| 5532(a)(2) | Neglect of animal-fails to provide shelter (cause BI/risk SBI) | M-3 | 1 | m |
| 5532(a)(3) | Neglect of animal-fails to provide veterinary care (cause BI/risk SBI) | M-3 | 1 | m |
| 5533(a)* | Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI) | M-2 | 2 | m |
| 5533(a)* | Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI) | M-2 | 2 | m |

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| 5533(a)* | Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI) | M-2 | 2 | m |
| 5533(a)* | Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI) | M-2 | 2 | m |
| 5533(a)* | Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI) | M-2 | 2 | m |
| 5533(a)* | Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI) | M-2 | 2 | m |
| 5534(a)(1) | Aggravated cruelty to animal-tortures animal | F-3 | 5 | 1 |
| 5534(a)(2)* | Aggravated cruelty to animal-violates 5532 (cause SBI/death) | F-3 | 6 | 1 |
| 5534(a)(2)* | Aggravated cruelty to animal-violates 5533 (cause SBI/death) | F-3 | 6 | 1 |
| 5535(a) | Attack of service, guide, or support dog | M-3 | 1 | m |
| 5539 | Transporting equine animals in cruel manner (2nd/subsq) | M-3 | 1 | m |
| 5543(1) | Animal fighting (for amusement/gain) | F-3 | 5 | 1 |
| 5543(2) | Animal fighting (receives compensation) | F-3 | 5 | 1 |
| 5543(3) | Animal fighting (owns fighting animal) | F-3 | 5 | 1 |
| 5543(4) | Animal fighting (encourage/aid/assist) | F-3 | 5 | 1 |
| 5543(5) | Animal fighting (wagers on fight outcome) | F-3 | 5 | 1 |
| 5543(6) | Animal fighting (pays admission) | F-3 | 5 | 1 |
| 5543(7) | Animal fighting (permits use of animal for fight) | F-3 | 5 | 1 |
| 5544 | Possession of animal fighting paraphernalia | M-3 | 1 | m |
| 5548(a) | Police animals-illegal to taunt | F-3 | 5 | 1 |
| 5548(b) | Police animals-illegal to torture | F-2 | 7 | 2 |
| 5549(a) | Assault with biological agent on animal/fowl/honey bees | F-2 | 7 | 2 |
| 5512(b)(1) | Lotteries-set up unlawful game | M-1 | 3 | m |
| 5512(b)(2) | Lotteries-manuf./etc. unlawful tickets | M-1 | 3 | m |
| 5512(b)(3) | Lotteries-publish advertisement | M-1 | 3 | m |
| 5513(a)(1) | Gambling devices-intentionally makes gambling device | M-1 | 3 | m |
| 5513(a)(2) | Gambling devices-allows assemble for gambling | M-1 | 3 | m |
| 5513(a)(3) | Gambling devices-solicits/invites person for gambling | M-1 | 3 | m |
| 5513(a)(4) | Gambling devices-allows gambling on premises | M-1 | 3 | m |
| 5513(a.1)(1) | Gambling devices-electronic video monitor: indirect or direct consideration | M-1 | 3 | m |
| 5513(a.1)(2) | Gambling devices-electronic video monitor: player eligible for prize | M-1 | 3 | m |
| 5514(1) | Pool selling and bookmaking-engage in | M-1 | 3 | m |
| 5514(2) | Pool selling and bookmaking-occupy place | M-1 | 3 | m |
| 5514(3) | Pool selling and bookmaking-receives bet on political outcome | M-1 | 3 | m |
| 5514(4) | Pool selling and bookmaking-custodian of property wagered (for gain) | M-1 | 3 | m |

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| 5514(5) | Pool selling and bookmaking-knowingly permit premises to be used | M-1 | 3 | m |
| 5515(b)(1) | Prohibiting of paramilitary training-teaching | M-1 | 3 | m |
| 5515(b)(2) | Prohibiting of paramilitary training-assembles for training | M-1 | 3 | m |
| 5516(a)(1) | Facsimile weapons of mass destruction-terrifying/etc. individual | F-3 | 5 | 1 |
| 5516(a)(2)(i) | Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency | F-3 | 5 | 1 |
| 5516(a)(2)(ii) | Facsimile weapons of mass destruction-reaction of law enforcement agency | F-3 | 5 | 1 |
| 5516(a)(3) | Facsimile weapons of mass destruction-serious public inconvenience | F-3 | 5 | 1 |
| 5517(a) | Unauthorized school bus entry | M-3 | 1 | m |
| 5703 | Interception of wire/oral communication | F-3 | 5 | 1 |
| 5703(1) | Interception of wire/oral communication-intentionally intercepts | F-3 | 5 | 1 |
| 5703(2) | Interception of wire/oral communication-discloses contents | F-3 | 5 | 1 |
| 5703(3) | Interception of wire/oral communication-use contents | F-3 | 5 | 1 |
| 5705(1) | Possess/etc. of interception devices-intentionally possess/etc. | F-3 | 5 | 1 |
| 5705(2) | Possess/etc. of interception devices-intentionally sells/etc. | F-3 | 5 | 1 |
| 5705(3) | Possess/etc. of interception devices-intentionally manufactures/etc. | F-3 | 5 | 1 |
| 5705(4) | Possess/etc. of interception devices-intentionally advertises/etc. | F-3 | 5 | 1 |
| 5719 | Unlawful use of order concerning intercepted communications | M-2 | 2 | m |
| 5741(a)(1) | Unlawf. access stored communications-access w/o authority-for gain (1st off) | M-3 | 1 | m |
| 5741(a)(1) | Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off) | M-2 | 2 | m |
| 5741(a)(2) | Unlawf. access stored communications-exceed authorization-for gain (1st off) | M-3 | 1 | m |
| 5741(a)(2) | Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off) | M-2 | 2 | m |
| 5771(a) | Prohibit pen register & trap/trace device | M-3 | 1 | m |
| 5901 | Open lewdness | M-3 | 1 | m |
| 5902(a)(1) | Prostitution-business (1st/2nd off) | M-3 | 1 | m |
| 5902(a)(1) | Prostitution-business (3rd off) | M-2 | 3 | m |
| 5902(a)(1) | Prostitution-business (4th/subsq off) | M-1 | 4 | m |
| 5902(a)(1) | Prostitution-business (HIV positive/AIDS) | F-3 | 7 | 1 |
| 5902(a)(2) | Prostitution (1st/2nd off) | M-3 | 1 | m |
| 5902(a)(2) | Prostitution (3rd off) | M-2 | 3 | m |
| 5902(a)(2) | Prostitution (4th/subsq off) | M-1 | 4 | m |
| 5902(a)(2) | Prostitution (HIV positive/AIDS) | F-3 | 7 | 1 |
| 5902(b)(1) | Promoting prostitution-own house/business | F-3 | 5 | 1 |
| 5902(b)(2) | Promoting prostitution-procure prostitute for house | F-3 | 5 | 1 |

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| 5902(b)(3) | Promoting prostitution-encourage prostitution | F-3 | 5 | 1 |
| 5902(b)(4) | Promoting prostitution-solicit patron | M-2 | 3 | m |
| 5902(b)(4) | Promoting prostitution-solicit patron (compel) | F-3 | 5 | 1 |
| 5902(b)(4) | Promoting prostitution-solicit patron (HIV positive/AIDS) | F-3 | 5 | 1 |
| 5902(b)(4) | Promoting prostitution-solicit patron (spouse/child/ward) | F-3 | 5 | 1 |
| 5902(b)(5) | Promoting prostitution-procure prostitute | M-2 | 3 | m |
| 5902(b)(5) | Promoting prostitution-procure prostitute (compel) | F-3 | 5 | 1 |
| 5902(b)(5) | Promoting prostitution-procure prostitute (HIV positive/AIDS) | F-3 | 5 | 1 |
| 5902(b)(5) | Promoting prostitution-procure prostitute (spouse/child/ward) | F-3 | 5 | 1 |
| 5902(b)(6) | Promoting prostitution-transport prostitute | M-2 | 3 | m |
| 5902(b)(6) | Promoting prostitution-transport prostitute (compel) | F-3 | 5 | 1 |
| 5902(b)(6) | Promoting prostitution-transport prostitute (HIV positive/AIDS) | F-3 | 5 | 1 |
| 5902(b)(6) | Promoting prostitution-transport prostitute (spouse/child/ward) | F-3 | 5 | 1 |
| 5902(b)(7) | Promoting prostitution-provide place for prostitution | M-2 | 3 | m |
| 5902(b)(7) | Promoting prostitution-provide place for prostitution (compel) | F-3 | 5 | 1 |
| 5902(b)(7) | Promoting prostitution-provide place for prostitution (HIV positive/AIDS) | F-3 | 5 | 1 |
| 5902(b)(7) | Promoting prostitution-provide place for prostitution (spouse/child/ward) | F-3 | 5 | 1 |
| 5902(b)(8) | Promoting prostitution-receive benefit | M-2 | 3 | m |
| 5902(b)(8) | Promoting prostitution-receive benefit (compel) | F-3 | 5 | 1 |
| 5902(b)(8) | Promoting prostitution-receive benefit (HIV positive/AIDS) | F-3 | 5 | 1 |
| 5902(b)(8) | Promoting prostitution-receive benefit (spouse/child/ward) | F-3 | 5 | 1 |
| 5902(b.1)(1)* | Promoting prostitution of minor-business (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(1)* | Promoting prostitution of minor-business (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(2)* | Promoting prostitution of minor-procure (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(2)* | Promoting prostitution of minor-procure (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(3)* | Promoting prostitution of minor-induce (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(3)* | Promoting prostitution of minor-induce (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(4)* | Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(4)* | Promoting prostitution of minor-solicit minor to patronize (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(5)* | Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(5)* | Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(6)* | Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs) | F-3 | 6 | 1 |

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| 5902(b.1)(6)* | Promoting prostitution of minor-transport minor for prostitution (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(7)* | Promoting prostitution of minor-provide place for prostitution (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(7)* | Promoting prostitution of minor-provide place for prostitution (<16 yrs) | F-3 | 8 | 1 |
| 5902(b.1)(8)* | Promoting prostitution of minor-receive benefit (16-<18 yrs) | F-3 | 6 | 1 |
| 5902(b.1)(8)* | Promoting prostitution of minor-receive benefit (<16 yrs) | F-3 | 8 | 1 |
| 5902(d) | Living off prostitutes | M-2 | 3 | m |
| 5902(d) | Living off prostitutes (compel) | F-3 | 5 | 1 |
| 5902(d) | Living off prostitutes (HIV positive/AIDS) | F-3 | 5 | 1 |
| 5902(d) | Living off prostitutes (spouse/child/ward) | F-3 | 5 | 1 |
| 5902(e) | Patronizing prostitutes (1st/2nd off) | M-3 | 1 | m |
| 5902(e) | Patronizing prostitutes (3rd off) | M-2 | 3 | m |
| 5902(e) | Patronizing prostitutes (4th/subsq off) | M-1 | 4 | m |
| 5902(e) | Patronizing prostitutes (HIV positive/AIDS) | F-3 | 7 | 1 |
| 5903(a)(1) | Obscene materials-display (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(1) | Obscene materials-display (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a.1) | Obscene materials-disseminate via elec. comm. (1st off & not for resale) | M-1 | 3 | m |
| 5903(a.1) | Obscene materials-disseminate via elec. comm. att. evade prosec. (1st) (additional penalty) | M-1 | 3 | m |
| 5903(a.1) | Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty) | M-1 | 3 | m |
| 5903(a)(2) | Obscene materials-sell (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(2) | Obscene materials-sell (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a)(3)(i) | Obscene materials-design (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(3)(i) | Obscene materials-design (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a)(3)(ii) | Obscene materials-design: minor depicted (1st off & not for resale) | M-1 | 4 | m |
| 5903(a)(3)(ii) | Obscene materials-design: minor depicted (2nd/subsq off or for resale) | F-3 | 6 | 1 |
| 5903(a)(4)(i) | Obscene materials-prepare ad (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(4)(i) | Obscene materials-prepare ad (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a)(4)(ii) | Obscene materials-prepare ad: minor included (1st off & not for resale) | M-1 | 4 | m |
| 5903(a)(4)(ii) | Obscene materials-prepare ad: minor included (2nd/subsq off or for resale) | F-3 | 6 | 1 |
| 5903(a)(5)(i) | Obscene materials-produce performance (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(5)(i) | Obscene materials-produce performance (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a)(5)(ii) | Obscene materials-produce performance: minor included (1st off & not for resale) | M-1 | 4 | m |
| 5903(a)(5)(ii) | Obscene materials-produce performance: minor included (2nd/subsq off or for resale) | F-3 | 6 | 1 |

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| 5903(a)(6) | Obscene materials-use minor to assist (1st off & not for resale) | M-1 | 4 | m |
| 5903(a)(6) | Obscene materials-use minor to assist (2nd/subsq off or for resale) | F-3 | 6 | 1 |
| 5903(a)(7) | Obscene materials-deliver to correctnl facility (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(7) | Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a)(8) | Obscene materials-inmate possesses (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(8) | Obscene materials-inmate possesses (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(a)(9) | Obscene materials-permit into correctnl inst (1st off & not for resale) | M-1 | 3 | m |
| 5903(a)(9) | Obscene materials-permit into correctnl inst (2nd/subsq off or for resale) | F-3 | 5 | 1 |
| 5903(c)(1) | Obscene materials-disseminate pictures to minors (1st off) | F-3 | 5 | 1 |
| 5903(c)(1) | Obscene materials-disseminate pictures to minors (2nd/subsq off) | F-2 | 7 | 2 |
| 5903(c)(2) | Obscene materials-disseminate print/audio to minors (1st off) | F-3 | 5 | 1 |
| 5903(c)(2) | Obscene materials-disseminate print/audio to minors (2nd/subsq off) | F-2 | 7 | 2 |
| 5903(d) | Obscene materials-admit minor to show (1st off) | F-3 | 5 | 1 |
| 5903(d) | Obscene materials-admit minor to show (2nd/subsq off) | F-2 | 7 | 2 |
| 5903(f) | Obscene materials-require sale | M-1 | 3 | m |
| 5904 | Public exhibition of insane/deformed person | M-2 | 2 | m |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) | F-2 | 10 | 2 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (previous conviction) | F-1 | 11 | 3 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (possession/control of firearm or within reach) | F-1 | 11 | 3 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) | F-2 | 9 | 2 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (previous conviction) | F-1 | 10 | 3 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (possession/control of firearm or within reach) | F-1 | 10 | 3 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1)) | M-1 | 3 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1)) | M-1 | 3 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 6105(a)(1)* | Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i)) | M-3 | 2 | m |
| 6105(a)(1)* | Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i)) | M-3 | 1 | m |
| 6105(a)(1) | Firearms-persons not to possess: fail to relinquish w/PFA ((a.1)(2)) | M-2 | 4 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) ((a.1)(5)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of drug misdemeanor (loaded/ammo available) ((c)(2)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of drug misdemeanor (unloaded/no ammo available) ((c)(2)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4)) | M-1 | 4 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6)) | [M-1] <u>M-2</u> | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6)) | [M-1] <u>M-2</u> | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8)) | M-1 | 5 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9)) | M-1 | 6 | 1 |
| 6105(a)(1)* | Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9)) | M-1 | 5 | 1 |
| 6105.2(a)(1) | Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons | M-2 | 4 | 1 |
| 6106(a)(1)* | Firearms-carried w/o license: ineligible (loaded/ammo available) | F-3 | 9 | 1 |
| 6106(a)(1)* | Firearms-carried w/o license: ineligible (unloaded/no ammo available) | F-3 | 7 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--|--|
| 6106(a)(2)* | Firearms-carried w/o license: eligible (loaded/ammo available & crim act.) | F-3 | 9 | 1 |
| 6106(a)(2)* | Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.) | F-3 | 7 | 1 |
| 6106(a)(2)* | Firearms-carried w/o license (loaded/ammo available/no other crim. act.) | M-1 | 4 | 1 |
| 6106(a)(2)* | Firearms-carried w/o license (unloaded/no ammo available/no other crim. act.) | M-1 | 3 | 1 |
| 6107(a) | Firearms-prohibited conduct during emergency | M-1 | 3 | 1 |
| 6108* | Firearms-carrying in Philadelphia (loaded/ammo available) | M-1 | 5 | 1 |
| 6108* | Firearms-carrying in Philadelphia (unloaded/ no ammo available) | M-1 | 4 | 1 |
| 6110.1(a) | Firearms-possession by minor | M-1 | 3 | 1 |
| 6110.1(c) | Firearms-delivery to minor by adult | F-3 | 7 | 1 |
| 6110.2(a)* | Firearms-possession w/ altered mfr. num. (loaded/ammo available) | F-2 | 10 | 2 |
| 6110.2(a)* | Firearms-possession w/ altered mfr. num. (unloaded/no ammo available) | F-2 | 9 | 2 |
| 6111(a)(1) | Firearms-sale/transfer: deliver before 48 hrs | M-2 | 2 | m |
| 6111(a)(1) | Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off) | F-2 | 9 | 2 |
| 6111(a)(1) | Firearms-sale/transfer: deliver before 48 hrs (false statements) | F-3 | 8 | 1 |
| 6111(a)(1) | Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history) | F-3 | 5 | 1 |
| 6111(a)(1) | Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible) | F-3 | 8 | 1 |
| 6111(a)(1) | Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request) | F-3 | 5 | 1 |
| 6111(a)(2) | Firearms-sale/transfer: deliver w/o crim history check | M-2 | 2 | m |
| 6111(a)(2) | Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off) | F-2 | 9 | 2 |
| 6111(a)(2) | Firearms-sale/transfer: deliver w/o crim history check (false statements) | F-3 | 8 | 1 |
| 6111(a)(2) | Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history) | F-3 | 5 | 1 |
| 6111(a)(2) | Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible) | F-3 | 8 | 1 |
| 6111(a)(2) | Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request) | F-3 | 5 | 1 |
| 6111(b)(1) | Firearms-sale/transfer: full app/record of sale | M-2 | 2 | m |
| 6111(b)(1) | Firearms-sale/transfer: full app/record of sale (2nd/subsq off) | F-2 | 9 | 2 |
| 6111(b)(1) | Firearms-sale/transfer: full app/record of sale (false statements) | F-3 | 8 | 1 |
| 6111(b)(1) | Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history) | F-3 | 5 | 1 |
| 6111(b)(1) | Firearms-sale/transfer: full app/record of sale (sell to ineligible) | F-3 | 8 | 1 |
| 6111(b)(1) | Firearms-sale/transfer: full app/record of sale (unlawful crim history request) | F-3 | 5 | 1 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 6111(b)(1.2) | Firearms-sale/transfer: transmit fee | M-2 | 2 | m |
| 6111(b)(1.2) | Firearms-sale/transfer: transmit fee (2nd/subsq off) | F-2 | 9 | 2 |
| 6111(b)(1.2) | Firearms-sale/transfer: transmit fee (false statements) | F-3 | 8 | 1 |
| 6111(b)(1.2) | Firearms-sale/transfer: transmit fee (inappropriate use of crim history) | F-3 | 5 | 1 |
| 6111(b)(1.2) | Firearms-sale/transfer: transmit fee (sell to ineligible) | F-3 | 8 | 1 |
| 6111(b)(1.2) | Firearms-sale/transfer: transmit fee (unlawful crim history request) | F-3 | 5 | 1 |
| 6111(c) | Firearms-sale/transfer: thru licensed dealer | M-2 | 2 | m |
| 6111(c) | Firearms-sale/transfer: thru licensed dealer (2nd/subsq off) | F-2 | 9 | 2 |
| 6111(c) | Firearms-sale/transfer: thru licensed dealer (false statements) | F-3 | 8 | 1 |
| 6111(c) | Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history) | F-3 | 5 | 1 |
| 6111(c) | Firearms-sale/transfer: thru licensed dealer (sell to ineligible) | F-3 | 8 | 1 |
| 6111(c) | Firearms-sale/transfer: thru licensed dealer (unlawful crim history request) | F-3 | 5 | 1 |
| 6111(g)(2) | Firearms-sale/transfer: to unqualified or ineligible person | F-3 | 8 | 1 |
| 6111(g)(2) | Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off) | F-2 | 9 | 2 |
| 6111(g)(4) | Firearms-sale/transfer: false statements, materials, ID | F-3 | 8 | 1 |
| 6111(g)(4) | Firearms-sale/transfer: false statements, materials, ID (2nd/subsq off) | F-2 | 9 | 2 |
| 6112 | Firearms-dealer to be licensed | M-1 | 3 | 1 |
| 6113(a)(1) | Firearms-dealer license: sell in undesignated area | M-1 | 3 | 1 |
| 6113(a)(2) | Firearms-dealer license: fail to display license | M-1 | 3 | 1 |
| 6113(a)(3) | Firearms-dealer license: violation of act | M-1 | 3 | 1 |
| 6113(a)(4) | Firearms-dealer license: w/o knowledge of purchaser | M-1 | 3 | 1 |
| 6113(a)(5) | Firearms-dealer license: fail to keep record | M-1 | 3 | 1 |
| 6113(a)(6) | Firearms-dealer license: display firearm in public view | M-1 | 3 | 1 |
| 6115(a) | Firearms-lending prohibited | M-1 | 3 | 1 |
| 6116 | Firearms-give false info/identity for purchase | M-1 | 3 | 1 |
| 6117(a) | Firearms-alter mfr. number/ID | F-2 | 7 | 2 |
| 6121(a) | Firearms-certain bullets prohibited | F-3 | 5 | 1 |
| 6122 | Firearms-proof of license | M-1 | 3 | 1 |
| 6161(a) | Carrying explosives on conveyances | M-2 | 3 | m |
| 6162(a) | Shipping explosives | M-3 | 3 | m |
| 6301(a)(1)(i) | Corruption of minors | M-1 | 4 | m |
| 6301(a)(1)(ii) | Corruption of minors-course of conduct (of a sexual nature) | F-3 | 6 | 1 |
| 6301(a)(2) | Corruption of minors-encourage 2nd truancy in one year | M-3 | 1 | m |
| 6302(a) | Sale/lease of weapons/explosives (to minor) | M-1 | 4 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 6303(a) | Sale of starter pistols-to minors | M-1 | 4 | m |
| 6304(a)(1) | Sale/use of air rifles-sale or transfer (to minor) | M-3 | 1 | m |
| 6307(a) | Misrepresentation of age to secure alcohol (2nd/subsq off) | M-3 | 1 | m |
| 6309(a) | Representing that minor is of age | M-3 | 1 | m |
| 6310(a) | Inducement of minors to buy liquor/beer | M-3 | 1 | m |
| 6310.1(a) | Selling/furnishing liquor/beer to minors | M-3 | 1 | m |
| 6310.2(a) | Manufacture/sale of false ID card | M-2 | 2 | m |
| 6310.3(a) | Carrying a false ID card (2nd/subsq off) | M-3 | 1 | m |
| 6311(a) | Tattooing a minor (1st off) | M-3 | 1 | m |
| 6311(a) | Tattooing a minor (2nd/subsq off) | M-2 | 2 | m |
| 6311(b) | Body piercing a minor (1st off) | M-3 | 1 | m |
| 6311(b) | Body piercing a minor (2nd/subsq off) | M-2 | 2 | m |
| 6312(b)* | Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs) | F-2 | 8 | 2 |
| 6312(b)* | Sexual abuse of children-photographing/etc. sexual acts (<13 yrs or determination of prepubescence) | F-2 | 9 | 2 |
| 6312(b)* | Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs) | F-1 | 10 | 3 |
| 6312(b)* | Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<13 yrs or determination of prepubescence) | F-1 | 10 | 3 |
| 6312(c)* | Sexual abuse of children-dissemination (13-<18 yrs) (1st off) | F-3 | 6 | 1 |
| 6312(c)* | Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off) | F-2 | 8 | 2 |
| 6312(c)* | Sexual abuse of children-dissemination (<13 yrs or determination of prepubescence) (1st off) | F-3 | 7 | 1 |
| 6312(c)* | Sexual abuse of children-dissemination (<13 yrs or determination of prepubescence) (2nd/subsq off) | F-2 | 9 | 2 |
| 6312(c)* | Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (1st offense) | F-2 | 9 | 2 |
| 6312(c)* | Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (2nd/subsq offense) | F-2 | 10 | 2 |
| 6312(c)* | Sexual abuse of children-dissemination: when indecent contact depicted (<13 yrs or determination of prepubescence) (1st offense) | F-2 | 9 | 2 |
| 6312(c)* | Sexual abuse of children-dissemination: indecent contact depicted (<13 yrs or determination of prepubescence) (2nd/subsq offense) | F-2 | 10 | 2 |
| 6312(d)* | Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off) | F-3 | 6 | 1 |
| 6312(d)* | Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off) | F-2 | 8 | 2 |
| 6312(d)* | Sexual abuse of children-possess child pornography (<13 yrs or determination of prepubescence) (1st off) | F-3 | 7 | 1 |
| 6312(d)* | Sexual abuse of children-possess child pornography (<13 yrs or determination of prepubescence) (2nd/subsq off) | F-2 | 9 | 2 |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|----------------------------|--|--|
| 6312(d)* | Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (1st offense) | F-2 | 9 | 2 |
| 6312(d)* | Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (2nd/subsq offense) | F-2 | 10 | 2 |
| 6312(d)* | Sexual abuse of children-possess child pornography: when indecent contact depicted (<13 yrs or determination of prepubescence) (1st offense) | F-2 | 9 | 2 |
| 6312(d)* | Sexual abuse of children-possess child pornography: when indecent contact depicted (<13 yrs or determination of prepubescence) (2nd/subsq offense) | F-2 | 10 | 2 |
| 6318(a)(1) | Unlaw. contact w/ minor-sexual offenses [underlying offense=F-3 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 |
| 6318(a)(1) | Unlaw. contact w/ minor-sexual offenses [underlying offense <F-3] | F-3 | 6 | 1 |
| 6318(a)(2) | Unlaw. contact w/ minor-open lewdness [underlying offense=F-3 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 |
| 6318(a)(2) | Unlaw. contact w/ minor-open lewdness [underlying offense <F-3] | F-3 | 6 | 1 |
| 6318(a)(3) | Unlaw. contact w/ minor-prostitution [underlying offense=F-3 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 |
| 6318(a)(3) | Unlaw. contact w/ minor-prostitution [underlying offense <F-3] | F-3 | 6 | 1 |
| 6318(a)(4) | Unlaw. contact w/ minor-sexual materials [underlying offense=F-3 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 |
| 6318(a)(4) | Unlaw. contact w/ minor-sexual materials [underlying offense <F-3] | F-3 | 6 | 1 |
| 6318(a)(5) | Unlaw. contact w/ minor-sexual abuse [underlying offense=F-3 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 |
| 6318(a)(5) | Unlaw. contact w/ minor-sexual abuse [underlying offense <F-3] | F-3 | 6 | 1 |
| 6318(a)(6) | Unlaw. contact w/ minor-sexual exploitation [underlying offense=F-3 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 |

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|---------------------|--|------------------------|--------------------------------------|--|
| 6318(a)(6) | Unlaw. contact w/ minor-sexual exploitation [underlying offense <F-3] | F-3 | 6 | 1 |
| 6319(a) | Solicitation of minors to traffic drugs-general | F-2 | 9 | 2 |
| 6319(b) | Solicitation of minors to traffic drugs-drug-free school zone | F-1 | 10 | 3 |
| 6320 | Sexual exploitation of children | F-2 | 9 | 2 |
| 6321(b) | Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs) | M-3 | 1 | m |
| 6321(c)(1) | Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent | M-2 | 3 | m |
| 6321(c)(2) | Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent | M-2 | 3 | m |
| 6501(a)(1) | Scattering rubbish-upon land/stream (2nd/subsq off) | M-3 | 1 | m |
| 6501(a)(2) | Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off) | M-3 | 1 | m |
| 6501(a)(3) | Scattering rubbish-deposit trash on street (2nd/subsq off) | M-1 | 3 | m |
| 6501(a)(3) | Scattering rubbish-deposit trash on street (1st off) | M-2 | 2 | m |
| 6504 | Public nuisances | M-2 | 2 | m |
| 6701(b)(1) | Misrepresentation of military service | M-3 | 1 | m |
| 6701(b)(2) | Misrepresentation of military honors | M-3 | 1 | m |
| 6703 | Dealing in military decorations | M-3 | 1 | m |
| 6707 | False registration of domestic animals | M-3 | 1 | m |
| 6709(1) | Use of union labels-insignia | M-3 | 1 | m |
| 6709(2) | Use of union labels-nonunion product | M-3 | 1 | m |
| 6709(3) | Use of union labels-not authorized by union | M-3 | 1 | m |
| 6901 | Extension of water line-w/o permit | M-3 | 1 | m |
| 6910(a) | Unauthorized sale of tickets | M-3 | 1 | m |
| 7102 | Administer drugs to race horses | M-1 | 3 | m |
| 7103(a) | Horse racing | M-3 | 1 | m |
| 7104(a) | Fortune telling-for gain or lucre | M-3 | 1 | m |
| 7107(a)(1) | Unlawf. action by athlete agent-prior to eligibility expired | M-1 | 3 | m |
| 7107(a)(2) | Unlawf. action by athlete agent-give prior to eligibility expired | M-1 | 3 | m |
| 7107(a)(3) | Unlawf. action by athlete agent-agreement w/univ. employee for referral | M-1 | 3 | m |
| 7302(a) | Sale of solidified alcohol | M-2 | 2 | m |
| 7302(b) | Labeling of solidified alcohol | M-1 | 3 | m |
| 7303(a) | Sale/illegal use of certain solvents-smell/inhale toxic subst | M-3 | 1 | m |
| 7303(c) | Sale/illegal use of certain solvents-possess solvent for toxic vapors | M-3 | 1 | m |
| 7303(d) | Sale/illegal use of certain solvents-sell solvent for toxic vapors | M-3 | 1 | m |
| 7306(a) | Incendiary devices | M-1 | 3 | m |
| 7307 | Out-of-state convict made goods-sell/exchange | M-2 | 2 | m |
| 7308(a) | Unlawful advertising of insurance business | M-2 | 2 | m |

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|---------------------|---|------------------------|--------------------------------------|--|
| 7309(a) | Unlawful coercion in contracting insurance | M-1 | 3 | m |
| 7310(a) | Furnishing free insurance as inducement for purchase | M-3 | 1 | m |
| 7311(a) | Unlawful collection agency practices-assignment of claims | M-3 | 1 | m |
| 7311(b) | Unlawful collection agency practices-appearance for creditor | M-3 | 1 | m |
| 7311(b.1) | Unlawful collection agency practices-unfair/deceptive methods | M-3 | 1 | m |
| 7311(c) | Unlawful collection agency practices-unlaw. furnish legal services | M-3 | 1 | m |
| 7311(d) | Unlawful collection agency practices-unlaw. service for debtor | M-3 | 1 | m |
| 7311(e) | Unlawful collection agency practices-unlaw. solicit job for attorney | M-3 | 1 | m |
| 7311(f) | Unlawful collection agency practices-unlaw. coercion/intimidation | M-3 | 1 | m |
| 7312(a) | Debt pooling | M-3 | 1 | m |
| 7313(a) | Buying/exchanging SNAP benefits (>=\$1,000) | F-3 | 5 | 1 |
| 7313(a) | Buying/exchanging SNAP benefits (<\$1,000) | M-1 | 3 | m |
| 7314(a) | Fraudulent traffic in SNAP benefits (>=\$2,500) | F-2 | 7 | 2 |
| 7314(a) | Fraudulent traffic in SNAP benefits (\$1,000-<\$2,500) | F-3 | 5 | 1 |
| 7314(a) | Fraudulent traffic in SNAP benefits (<\$1,000) | M-1 | 3 | m |
| 7316(a) | Keeping bucket-shop | M-3 | 1 | m |
| 7317(a) | Accessories in conduct of bucket-shop | M-3 | 1 | m |
| 7318(a) | Maintaining premises of bucket-shop | M-3 | 1 | m |
| 7319(b) | Bucket-shop contracts | M-3 | 1 | m |
| 7321(a) | Lie detector tests-require for employment | M-2 | 2 | m |
| 7322 | Demanding property/money to secure employment | M-3 | 1 | m |
| 7323 | Discrimination on account of U.S. armed forces uniform | M-2 | 2 | m |
| 7324(b) | Unlaw. sale of dissertations/etc.-sale of assistance | M-3 | 1 | m |
| 7324(c) | Unlaw. sale of dissertations/etc.-sale of assignment | M-3 | 1 | m |
| 7324(d) | Unlaw. sale of dissertations/etc.-distribution for sale | M-3 | 1 | m |
| 7326(a) | Disclosure of confidential tax information | M-3 | 1 | m |
| 7328(a) | Operation of unauthorized bottle club | M-3 | 1 | m |
| 7503(a) | Architects/engineers-interest in public works contracts | M-3 | 1 | m |
| 7504(a) | Appointment of special police | M-3 | 1 | m |
| 7507 | Breach of privacy-use stress monitor w/o consent | M-2 | 2 | m |
| 7507.1(a)(1) | Invasion of privacy-view/photograph person w/o consent (single violation) | M-3 | 2 | m |
| 7507.1(a)(1) | Invasion of privacy-view/photograph person w/o consent (>1 violation) | M-2 | 3 | m |
| 7507.1(a)(2) | Invasion of privacy-view/photograph intimate parts w/o consent (single violation) | M-3 | 2 | m |
| 7507.1(a)(2) | Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation) | M-2 | 3 | m |
| 7507.1(a)(3) | Invasion of privacy-transfer image (single violation) | M-3 | 2 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 7507.1(a)(3) | Invasion of privacy-transfer image (>1 violation) | M-2 | 3 | m |
| 7508.2(a) | Operate meth lab-cause chemical reaction | F-2 | 8 | 2 |
| 7508.2(a) | Operate meth lab-cause chemical reaction (w/in 1000 ft of school) | F-1 | 9 | 3 |
| 7509(a) | Furnishing drug-free urine: unlaw. sale | M-3 | 1 | m |
| 7509(b) | Furnishing drug-free urine: unlaw. use | M-3 | 1 | m |
| 7510(a) | Municipal housing code avoidance (4th off) | M-2 | 2 | m |
| 7510(a) | Municipal housing code avoidance (5th/subsq off) | M-1 | 3 | m |
| 7512(a) | Criminal use of communication facility | F-3 | 5 | 1 |
| 7515(a)(1) | Contingent compensation-compensate other | M-3 | 1 | m |
| 7515(a)(2) | Contingent compensation-agree to lobby | M-3 | 1 | m |
| 7516(a) | Greyhound racing-for remuneration | M-1 | 3 | m |
| 7517(b) | Commemorative service demonstration activities | M-3 | 1 | m |
| 7611(a)(1) | Unlawful use of computer-access w/ intent to disrupt function | F-3 | 7 | 1 |
| 7611(a)(2) | Unlawful use of computer-access/interfere/damage/destroy | F-3 | 7 | 1 |
| 7611(a)(3) | Unlawful use of computer-provide password/ID code/PIN/etc. | F-3 | 7 | 1 |
| 7612(a) | Disruption of computer service | F-3 | 7 | 1 |
| 7613(a) | Computer theft | F-3 | 7 | 1 |
| 7614(a) | Unlawful duplication (>\$2500) | F-2 | 7 | 2 |
| 7614(a) | Unlawful duplication (<=\$2500) | F-3 | 5 | 1 |
| 7615(a)(1) | Computer trespass-remove data/programs | F-3 | 7 | 1 |
| 7615(a)(2) | Computer trespass-cause malfunction | F-3 | 7 | 1 |
| 7615(a)(3) | Computer trespass-alter/erase data | F-3 | 7 | 1 |
| 7615(a)(4) | Computer trespass-transfer funds | F-3 | 7 | 1 |
| 7615(a)(5) | Computer trespass-cause physical injury to property | F-3 | 7 | 1 |
| 7616(a)(1) | Distribution of a computer virus-prevent/disrupt operation | F-3 | 7 | 1 |
| 7616(a)(2) | Distribution of a computer virus-degrade/destroy performance | F-3 | 7 | 1 |
| 7622 | Duty of internet provider-disable child porn access (1st off) | M-3 | 1 | m |
| 7622 | Duty of internet provider-disable child porn access (2nd off) | M-2 | 2 | m |
| 7622 | Internet service provider-disable child porn access (3rd/subsq off) | F-3 | 5 | 1 |
| 7641(a) | Computer-assisted remote harvesting of animals | M-3 | 1 | m |
| 7661(a)(1) | Unlaw. transmis. email-forge/falsify | M-3 | 1 | m |
| 7661(a)(1) | Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500) | F-3 | 7 | 1 |
| 7661(a)(1) | Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500) | M-1 | 5 | m |
| 7661(a)(2)(i) | Unlaw. transmis. email-sell software to falsify | M-3 | 1 | m |
| 7661(a)(2)(i) | Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500) | F-3 | 7 | 1 |
| 7661(a)(2)(i) | Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500) | M-1 | 5 | m |

| <i>18 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 7661(a)(2)(ii) | Unlaw. transmis. email-sell software w/ limited purpose | M-3 | 1 | m |
| 7661(a)(2)(ii) | Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500) | F-3 | 7 | 1 |
| 7661(a)(2)(ii) | Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500) | M-1 | 5 | m |
| 7661(a)(2)(iii) | Unlaw. transmis. email-sell software known to falsify | M-3 | 1 | m |
| 7661(a)(2)(iii) | Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500) | F-3 | 7 | 1 |
| 7661(a)(2)(iii) | Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500) | M-1 | 5 | m |
| 7702(1) | Owning/operating/conducting a chop shop | F-2 | 7 | 2 |
| 7702(2) | Owning/operating/conducting a chop shop-transfer/sell vehicle | F-2 | 7 | 2 |
| 7703 | Altered or illegally obtained property-veh ID num | F-3 | 5 | 1 |
| 7704 | Altered or illegally obtained property-disposition | F-3 | 5 | 1 |

*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

Inchoates=inchoate to 4 point PRS offenses. See § 303.7(a)(5).

See § 303.7(c) and § 303.8(b) for all other inchoates.

MISCELLANEOUS OFFENSES (Child Abuse Reporting)

| <i>23 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 4354(d)(2) | Willful failure to pay child support (special circumstances) | M-3 | 1 | m |
| 6319(a)(2) | Failure to report or to refer suspected child abuse | F-3 | 5 | 1 |
| 6319(a)(3) | Failure to report or to refer suspected child abuse | M-2 | 2 | m |
| 6319(b) | Failure to report or to refer suspected child abuse-continuing course of action | [M-1] <u>F-3</u> | [3] <u>5</u> | [m] <u>1</u> |
| 6319(b) | Failure to report or to refer suspected child abuse-continuing course of action (child abuse if F-1 or higher) | [F-3] <u>F-2</u> | [5] <u>7</u> | [1] <u>2</u> |
| 6319(c) | Failure to report or to refer suspected child abuse (2nd/subsq) | F-3 | 6 | 1 |
| 6319(c) | Failure to report or to refer suspected child abuse-child abuse if F-1 or higher (2nd/subsq) | F-2 | 7 | 2 |
| 6346(b) | Willful failure to cooperate in investigation of suspected child abuse (1st violation) | M-3 | 2 | m |
| 6346(b) | Willful failure to cooperate in investigation of suspected child abuse (subsq violation) | M-2 | 3 | M |

m=other misdemeanor offense. See § 303.7(a)(5).

OPERATION OF BOATS

| <i>30 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 5502(a)(1) | Oper. watercraft under influence-general impairment/incapable of safe operation (1st off) | M | 1 | m |

| <i>30 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|--|------------------------|--------------------------------------|--|
| 5502(a)(1) | Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off) | M | 1 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off) | M-2 | 3 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: refused testing (1st off) | M | 1 | m |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off) | M-1 | 5 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off) | M | 1 | m |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off) | M | 1 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off) | M-1 | 5 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off) | M-1 | 5 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off) | M | 1 | m |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off) | M | 1 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off) | M-1 | 5 | 1 |
| 5502(a)(1) | Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off) | M-1 | 5 | 1 |
| <u>5502(a)(1)</u> | <u>Oper. watercraft under influence-general impairment/incapable of safe operation (passenger <18)</u> | <u>M-1</u> | <u>5</u> | <u>1</u> |
| 5502(a)(2) | Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off) | M | 1 | m |
| 5502(a)(2) | Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off) | M | 1 | 1 |
| 5502(a)(2) | Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off) | M-2 | 3 | 1 |
| <u>5502(a)(2)</u> | <u>Oper. watercraft under influence-general impairment: BAC .08-<.10 (passenger <18)</u> | <u>M-1</u> | <u>5</u> | <u>1</u> |
| 5502(a.1) | Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off) | M | 1 | m |
| 5502(a.1) | Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off) | M | 1 | 1 |
| 5502(a.1) | Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off) | M-1 | 5 | 1 |
| 5502(a.1) | Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off) | M-1 | 5 | 1 |
| <u>5502(a.1)</u> | <u>Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (passenger <18)</u> | <u>M-1</u> | <u>5</u> | <u>1</u> |
| 5502(a.2) | Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off) | M | 1 | m |
| 5502(a.2) | Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off) | M-1 | 5 | 1 |
| 5502(a.2) | Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off) | M-1 | 5 | 1 |

| <i>30 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--|--|
| 5502(a.2) | <u>Oper. watercraft under influence-highest rate of alcohol: BAC =>.16 (passenger <18)</u> | <u>M-1</u> | <u>5</u> | <u>1</u> |
| 5502(a.3) | <u>Oper. watercraft under influence-controlled substances (passenger <18)</u> | <u>M-1</u> | <u>5</u> | <u>1</u> |
| 5502(a.3)(1)(i) | Oper. watercraft under influence-controlled substances: Sched I (1st off) | M | 1 | m |
| 5502(a.3)(1)(i) | Oper. watercraft under influence-controlled substances: Sched I (2nd off) | M-1 | 5 | 1 |
| 5502(a.3)(1)(i) | Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a.3)(1)(ii) | Oper. watercraft under influence-controlled substances: Sched II/III (1st off) | M | 1 | m |
| 5502(a.3)(1)(ii) | Oper. watercraft under influence-controlled substances: Sched II/III (2nd off) | M-1 | 5 | 1 |
| 5502(a.3)(1)(ii) | Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a.3)(1)(iii) | Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off) | M | 1 | m |
| 5502(a.3)(1)(iii) | Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off) | M-1 | 5 | 1 |
| 5502(a.3)(1)(iii) | Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a.3)(2) | Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off) | M | 1 | m |
| 5502(a.3)(2) | Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off) | M-1 | 5 | 1 |
| 5502(a.3)(2) | Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a.3)(3) | Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off) | M | 1 | m |
| 5502(a.3)(3) | Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off) | M-1 | 5 | 1 |
| 5502(a.3)(3) | Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a.3)(4) | Oper. watercraft under influence-controlled substances: solvent, etc. (1st off) | M | 1 | m |
| 5502(a.3)(4) | Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off) | M-1 | 5 | 1 |
| 5502(a.3)(4) | Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off) | M-1 | 5 | 1 |
| 5502(a.4) | <u>Oper. watercraft under influence-minor operator (passenger <18)</u> | <u>M-1</u> | <u>5</u> | <u>1</u> |
| 5502(a.4) | Oper. watercraft under influence-minor operator (1st off) | M | 1 | m |
| 5502(a.4) | Oper. watercraft under influence-minor operator (2nd off) | M | 1 | 1 |
| 5502(a.4) | Oper. watercraft under influence-minor operator (3rd off) | M-1 | 5 | 1 |
| 5502(a.4) | Oper. watercraft under influence-minor operator (4th/subsq off) | M-1 | 5 | 1 |

| <i>30 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 5502.1(a) | Homicide by watercraft while operating under influence | F-2 | 10 | 2 |
| 5502.2* | Homicide by watercraft (when there is a conviction for operating under the influence) | M-1 | 8 | 1 |
| 5502.2* | Homicide by watercraft (when there is not a conviction for operating under the influence) | M-1 | 6 | 1 |
| 5502.3(a) | Aggravated assault by watercraft while operating under influence | F-2 | 7 | 2 |
| 5502.4(a) | Aggravated assault by watercraft (SBI) | F-3 | 5 | 1 |
| 5507(a) | Duties of operators involved in boating accidents-stop | M-1 | 3 | m |
| 5507(a) | Duties of operators involved in boating accidents-stop (death) | F-3 | 5 | 1 |
| 5507(b) | Duties of operators involved in boating accidents-give information | M-1 | 3 | m |
| 5507(b) | Duties of operators involved in boating accidents-give information (death) | F-3 | 5 | 1 |
| 5507(c) | Duties of operators involved in boating accidents-render aid | M-1 | 3 | m |
| 5507(c) | Duties of operators involved in boating accidents-render aid (death) | F-3 | 5 | 1 |
| 5507(d) | Duties of operators involved in boating accidents-stay | M-1 | 3 | m |
| 5507(d) | Duties of operators involved in boating accidents-stay (death) | F-3 | 5 | 1 |

*=subcategorized offenses. See § 303.3(b)

m=other misdemeanor offense. See § 303.7(a)(5)

GAME

| <i>34 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 2314(a)(2) | Trespass on private property while hunting-no authorization; defies order (2nd/subsq off) | M | 2 | m |

m=other misdemeanor offense. See § 303.7(a)(5)

DRUG ACT OFFENSES

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|--|------------------------|--------------------------------------|--|
| (a)(1) | Manufacture/sale/delivery-adulterated controlled substance (1st off) | M | 4 | m |
| (a)(1) | Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off) | M | 4 | m |
| (a)(2) | Adulterate/misbrand-controlled substance (1st off) | M | 4 | m |
| (a)(2) | Adulterate/misbrand-controlled substance (2nd/subsq off) | M | 4 | m |
| (a)(3) | False/misleading advertisement (1st off) | M | 4 | m |
| (a)(3) | False/misleading advertisement (2nd/subsq off) | M | 4 | m |
| (a)(4) | Removal/disposal-detained substance (1st off) | M | 5 | m |
| (a)(4) | Removal/disposal-detained substance (2nd/subsq off) | M | 5 | m |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|---|------------------------|--------------------------------------|--|
| (a)(5) | Adulterate/destroy label-controlled substance for sale (1st off) | M | 4 | m |
| (a)(5) | Adulterate/destroy label-controlled substance for sale (2nd/subsq off) | M | 4 | m |
| (a)(6) | Forge/counterfeit w/ mark/ID symbol (1st off) | M | 5 | m |
| (a)(6) | Forge/counterfeit w/ mark/ID symbol (2nd/subsq off) | M | 5 | m |
| (a)(7) | Place trademark on controlled substance to defraud (1st off) | M | 5 | m |
| (a)(7) | Place trademark on controlled substance to defraud (2nd/subsq off) | M | 5 | m |
| (a)(8) | Selling controlled substance w/ defrauded trademark (1st off) | M | 5 | m |
| (a)(8) | Selling controlled substance w/ defrauded trademark (2nd/subsq off) | M | 5 | m |
| (a)(9) | Selling trademark equipment to defraud (1st off) | M | 5 | m |
| (a)(9) | Selling trademark equipment to defraud (2nd/subsq off) | M | 5 | m |
| (a)(10) | Illegal sale of nonproprietary drug (1st off) | M | 4 | m |
| (a)(10) | Illegal sale of nonproprietary drug (2nd/subsq off) | M | 4 | m |
| (a)(11) | Illegal pharmacy operations (1st off) | M | 5 | m |
| (a)(11) | Illegal pharmacy operations (2nd/subsq off) | M | 5 | m |
| (a)(12)* | Acquisition of controlled substance by fraud-heroin (>1000 g) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-heroin (100-1000 g) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-heroin (50-<100 g) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-heroin (10-<50 g) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-heroin (1-<10 g) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-heroin (<1 g) | F | 6 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills) | F | 10 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g) | F | 7 | 2 |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|--|------------------------|--|--|
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g) | F | 6 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (>1000 g) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (100-1000 g) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (50-<100 g) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (10-<50 g) | F | 8 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (5-<10 g) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (2-<5 g) | F | 6 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-cocaine (<2 g) | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-methamphetamine (>1000 g) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-methamphetamine (100-1000 g) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-methamphetamine (50-<100 g) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-methamphetamine (10-<50 g) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-methamphetamine (<2.5 g) | F | 6 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-PCP (>1000 g) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-PCP (100-1000 g) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-PCP (50-<100 g) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-PCP (10-<50 g) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-PCP (2.5-<10 g) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-PCP (<2.5 g) | F | 6 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-MDMA (>1000 g) | F | 13 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-MDMA (100-1000 g) | F | 11 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-MDMA (50-<100 g) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-MDMA (10-<50 g) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-MDMA (2.5-<10 g) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-MDMA (<2.5 g) | F | 6 | 2 |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|---|------------------------|--|--|
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (>1000 lbs.) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (>5000 plants) | F | 10 | 3 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (51-5000 plants) | F | 8 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (21-<51 plants) | F | 7 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.) | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (10-<21 plants) | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (<1 lb.) | F | 3 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-marijuana (<10 plants) | F | 3 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-Sched I | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-Sched II | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-Sched III | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-Sched IV | F | 5 | 2 |
| (a)(12)* | Acquisition of controlled substance by fraud-Sched V | M | 3 | m |
| (a)(13) | Dispense drugs to dependent person (1st off) | M | 4 | m |
| (a)(13) | Dispense drugs to dependent person (2nd/subsq off) | M | 4 | m |
| (a)(14)* | Delivery by practitioner-heroin (>1000 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-heroin (100-1000 g) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-heroin (50-<100 g) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-heroin (10-<50 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-heroin (1-<10 g) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-heroin (<1 g) | F | 6 | 2 |
| (a)(14)* | Delivery by practitioner-fentanyl and its derivatives and analogues (>=100 g) | F | 14 | 3 |
| (a)(14)* | Delivery by practitioner-fentanyl and its derivatives and analogues (50-<100 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-fentanyl and its derivatives and analogues (10-<50 g) | F | 11 | 2 |
| (a)(14)* | Delivery by practitioner-fentanyl and its derivatives and analogues (1-<10 g) | F | 10 | 2 |
| (a)(14)* | Delivery by practitioner-fentanyl and its derivatives and analogues (<1 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-other narcotics Sched I & II (>1000 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (>1000 pills) | F | 13 | 3 |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|---|------------------------|--|--|
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (100-1000 g) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (50-<100 g) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills) | F | 10 | 2 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (10-<50 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (1-<10 g) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-other narcotics, Sched I & II (<1 g) | F | 6 | 2 |
| (a)(14)* | Delivery by practitioner-cocaine (>1000 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-cocaine (100-1000 g) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-cocaine (50-<100 g) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-cocaine (10-<50 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-cocaine (5-<10 g) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-cocaine (2-<5 g) | F | 6 | 2 |
| (a)(14)* | Delivery by practitioner-cocaine (<2 g) | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-methamphetamine (>1000 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-methamphetamine (100-1000 g) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-methamphetamine (50-<100 g) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-methamphetamine (10-<50 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-methamphetamine (2.5-<10 g) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-methamphetamine (<2.5 g) | F | 6 | 2 |
| (a)(14)* | Delivery by practitioner-PCP (>1000 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-PCP (100-1000 g) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-PCP (50-<100 g) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-PCP (10-<50 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-PCP (2.5-< 10 g) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-PCP (<2.5 g) | F | 6 | 2 |
| (a)(14)* | Delivery by practitioner-MDMA (>1000 g) | F | 13 | 3 |
| (a)(14)* | Delivery by practitioner-MDMA (100-1000 g) | F | 11 | 3 |
| (a)(14)* | Delivery by practitioner-MDMA (50-<100 g) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-MDMA (10-<50 g) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-MDMA (2.5-< 10 g) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-MDMA (<2.5 g) | F | 6 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (>1000 lbs.) | F | 10 | 3 |
| (a)(14)* | Delivery by practitioner-marijuana (>5000 plants) | F | 10 | 3 |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|--|------------------------|--------------------------------------|--|
| (a)(14)* | Delivery by practitioner-marijuana (50-1000 lbs.) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (51-5000 plants) | F | 8 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (10-<50 lbs.) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (21-<51 plants) | F | 7 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (1-<10 lbs.) | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (10-<21 plants) | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (<1 lb.) | F | 3 | 2 |
| (a)(14)* | Delivery by practitioner-marijuana (<10 plants) | F | 3 | 2 |
| (a)(14)* | Delivery by practitioner-Sched I | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-Sched II | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-Sched III | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-Sched IV | F | 5 | 2 |
| (a)(14)* | Delivery by practitioner-Sched V | M | 3 | m |
| (a)(15) | Illegal retail sale-controlled substance (1st off) | M | 4 | m |
| (a)(15) | Illegal retail sale-controlled substance (2nd/subsq off) | M | 4 | m |
| (a)(16) | Simple possession (1st off) | M | 3 | m |
| (a)(16) | Simple possession (2nd/subsq off) | M | 3 | m |
| (a)(16) | Simple possession-GHB (1st off) | F | 5 | 2 |
| (a)(16) | Simple possession-GHB (2nd/sub off) | F | 5 | 2 |
| (a)(17) | Dispense drugs w/o label by practitioner (1st off) | M | 4 | m |
| (a)(17) | Dispense drugs w/o label by practitioner (2nd/subsq off) | M | 4 | m |
| (a)(18) | Illegal sale container (1st off) | M | 4 | m |
| (a)(18) | Illegal sale container (2nd/subsq off) | M | 4 | m |
| (a)(19) | Intentional unauthorized purchase (1st off) | M | 5 | m |
| (a)(19) | Intentional unauthorized purchase (2nd/subsq off) | M | 5 | m |
| (a)(20) | Divulging trade secret (1st off) | M | 4 | m |
| (a)(20) | Divulging trade secret (2nd/subsq off) | M | 4 | m |
| (a)(21) | Failure to keep records (1st off) | M | 2 | m |
| (a)(21) | Failure to keep records (2nd/subsq off) | M | 2 | m |
| (a)(22) | Refusal of inspection (1st off) | M | 2 | m |
| (a)(22) | Refusal of inspection (2nd/subsq off) | M | 2 | m |
| (a)(23) | Unauthorized removal of seals | M | 5 | m |
| (a)(24) | Failure to obtain license (1st off) | M | 2 | m |
| (a)(24) | Failure to obtain license (2nd/subsq off) | M | 2 | m |
| (a)(25) | Manufacture by unauthorized party | M | 5 | m |
| (a)(26) | Distribution by registrant of Schedule I or II | M | 5 | m |
| (a)(27) | Use of fictitious registration number | M | 5 | m |
| (a)(28) | Furnish false application material | M | 5 | m |
| (a)(29) | Production of counterfeit trademarks equipment | M | 5 | m |
| (a)(30)* | Possession with intent to deliver-heroin (>1000 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-heroin (100-1000 g) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-heroin (50-<100 g) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-heroin (10-<50 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-heroin (1-<10 g) | F | 7 | 2 |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|--|------------------------|--|--|
| (a)(30)* | Possession with intent to deliver-heroin (<1 g) | F | 6 | 2 |
| (a)(30)* | Possession with intent to deliver-fentanyl and its derivatives and analogues (>=100 g) | F | 14 | 3 |
| (a)(30)* | Possession with intent to deliver-fentanyl and its derivatives and analogues (50-<100 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-fentanyl and its derivatives and analogues (10-<50 g) | F | 11 | 2 |
| (a)(30)* | Possession with intent to deliver-fentanyl and its derivatives and analogues (1-<10 g) | F | 10 | 2 |
| (a)(30)* | Possession with intent to deliver-fentanyl and its derivatives and analogues (<1 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (>1000 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills) | F | 10 | 2 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-other narcotics, Sched I & II (<1 g) | F | 6 | 2 |
| (a)(30)* | Possession with intent to deliver-cocaine (>1000 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-cocaine (100-1000 g) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-cocaine (50-<100 g) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-cocaine (10-<50 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-cocaine (5-<10 g) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-cocaine (2-<5 g) | F | 6 | 2 |
| (a)(30)* | Possession with intent to deliver-cocaine (<2 g) | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-methamphetamine (>1000 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-methamphetamine (100-1000 g) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-methamphetamine (50-<100 g) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-methamphetamine (10-<50 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-methamphetamine (2.5-<10 g) | F | 7 | 2 |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|---|------------------------|--------------------------------------|--|
| (a)(30)* | Possession with intent to deliver-methamphetamine (<2.5 g) | F | 6 | 2 |
| (a)(30)* | Possession with intent to deliver-PCP (>1000 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-PCP (100-1000 g) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-PCP (50-<100 g) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-PCP (10-<50 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-PCP (2.5-<10 g) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-PCP (<2.5 g) | F | 6 | 2 |
| (a)(30)* | Possession with intent to deliver-MDMA (>1000 g) | F | 13 | 3 |
| (a)(30)* | Possession with intent to deliver-MDMA (100-1000 g) | F | 11 | 3 |
| (a)(30)* | Possession with intent to deliver-MDMA (50-<100 g) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-MDMA (10-<50 g) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-MDMA (2.5-<10 g) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-MDMA (<2.5 g) | F | 6 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (>1000 lbs.) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-marijuana (>5000 plants) | F | 10 | 3 |
| (a)(30)* | Possession with intent to deliver-marijuana (50-1000 lbs.) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (51-5000 plants) | F | 8 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (10-<50 lbs.) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (21-<51 plants) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (1-<10 lbs.) | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (10-<21 plants) | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (<1 lb.) | F | 3 | 2 |
| (a)(30)* | Possession with intent to deliver-marijuana (<10 plants) | F | 3 | 2 |
| (a)(30)* | Possession with intent to deliver-Sched I (>=100 g) | F | 7 | 2 |
| (a)(30)* | Possession with intent to deliver-Sched I (<100 g) | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-Sched II | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-Sched III | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-Sched IV | F | 5 | 2 |
| (a)(30)* | Possession with intent to deliver-Sched V | M | 3 | m |
| (a)(31) | Possession-small amt. of marijuana (<=30 g/<=8 g hashish) | M | 1 | m |
| (a)(31) | Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use | M | 1 | m |
| (a)(31) | Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell | M | 1 | m |
| (a)(31) | Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale | M | 1 | m |
| (a)(32) | Possession-drug paraphernalia | M | 1 | m |

| <i>35 P.S. § 780-113</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------------|---|------------------------|--------------------------------------|--|
| (a)(33) | Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior | M-2 | 4 | m |
| (a)(33) | Possession w/ intent to deliver paraphernalia-not to a minor | M | 3 | m |
| (a)(34) | Place ad for sale of drug paraphernalia | M | 1 | m |
| (a)(34) | Place ad for sale of drug paraphernalia-GHB | F | 5 | 2 |
| (a)(35)(i) | Illegal sale of noncontrolled substance-intent to distribute | F | 5 | 2 |
| (a)(35)(ii) | Illegal sale of noncontrolled substance-represent as controlled substance | F | 5 | 2 |
| (a)(35)(iii) | Illegal sale of noncontrolled substance-distribute for redistribution | F | 5 | 2 |
| (a)(36) | Possession w/ intent to deliver-designer drugs | F | 5 | 2 |
| (a)(37) | Possession >30 doses-anabolic steroid (1st off) | M | 4 | m |
| (a)(37) | Possession >30 doses-anabolic steroid (2nd/subsq off) | M | 4 | m |
| (a)(38)(II) | Unlawful manufacture-methamphetamine (BI of child <18) | F-2 | 9 | 2 |
| (a)(38)(I) | Unlawful manufacture-methamphetamine (child <18 present) | F-3 | 7 | 1 |
| (a)(39) | Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off) | M | 2 | m |
| (a)(39) | Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off) | M | 2 | m |
| (a)(40) | Retail sale-product containing ephedrine, etc. (1st off) | M | 2 | m |
| (a)(40) | Retail sale-product containing ephedrine, etc. (2nd/subsq off) | M | 2 | m |

m=other misdemeanor offense. See § 303.7(a)(5).

| <i>35 P.S. § 780-113.1</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|----------------------------|---|------------------------|--------------------------------------|--|
| (a)(1)(i) | Possess liquefied ammonia-purpose other than agriculture/industrial | M | 3 | m |
| (a)(1)(ii) | Possess liquefied ammonia-unapproved container | M | 3 | m |
| (a)(2) | Possess liquefied ammonia-intent to manuf controlled substance | F | 5 | 2 |
| (a)(3) | Possess red phosphorous-intent to manuf controlled substance | F | 5 | 2 |
| (a)(4) | Possess esters/salts/etc. w/ intent to manuf controlled substance | F | 5 | 2 |

| <i>35 P.S. § 780-113.4</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|----------------------------|---|------------------------|--------------------------------------|--|
| (a)(1) | Operate meth lab-create chemical reaction | F-2 | 7 | 2 |
| (a)(3) | Operate meth lab-create chemical reaction (w/in 1000 ft. of school) | F-1 | 8 | 3 |
| (b)(1) | Operate meth lab-stores/disposes substance used in manuf. | F-3 | 5 | 1 |

| <i>35 P.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|--------------------|---|------------------------|--------------------------------------|--|
| 6018.101—6018.1002 | Solid Waste Management Act | | | |
| | Knowingly transports, etc. hazardous waste without permit | F-1 | 9 | 1 |
| | Transports, etc. hazardous waste without permit | F-2 | 7 | 2 |
| | Violation of Act, DER Order, etc. | M-3 | 1 | m |
| 691.1—691.1001 | Clean Streams Law | | | |
| | Violation of Act, DER Order, etc. | M-3 | 1 | m |
| 4001—4015 | Air Pollution Control Act | | | |
| | Knowingly releases hazardous air pollutant | F-1 | 9 | 1 |
| | Violation of Act, DER Order, etc. | M-2 | 2 | m |
| | Negligently releases hazardous air pollution | M-3 | 1 | m |

m=other misdemeanor offense. See § 303.7(a)(5).

JUDICIAL CODE

| <i>42 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 4583.1(a)(1) | Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1) | F-1 | 11 | 4 |
| 4583.1(a)(1) | Agg. jury tampering-employ force/violence (charged crime F-2) | F-2 | 9 | 2 |
| 4583.1(a)(1) | Agg. jury tampering-employ force/violence (any other charged crime) | F-3 | 7 | 1 |
| 4583.1(a)(2) | Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1) | F-1 | 11 | 4 |
| 4583.1(a)(2) | Agg. jury tampering-pecuniary/benefit (charged crime F-2) | F-2 | 9 | 2 |
| 4583.1(a)(2) | Agg. jury tampering-pecuniary/benefit (any other charged crime) | F-3 | 7 | 1 |
| 4583.1(a)(3) | Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1) | F-1 | 11 | 4 |
| 4583.1(a)(3) | Agg. jury tampering-further conspiracy (charged crime F-2) | F-2 | 9 | 2 |
| 4583.1(a)(3) | Agg. jury tampering-further conspiracy (any other charged crime) | F-3 | 7 | 1 |
| 4583.1(a)(4) | Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1) | F-1 | 11 | 4 |
| 4583.1(a)(4) | Agg. jury tampering-accept pecuniary benefit (charged crime F-2) | F-2 | 9 | 2 |
| 4583.1(a)(4) | Agg. jury tampering-accept pecuniary benefit (any other charged crime) | F-3 | 7 | 1 |

VEHICLE LAW OFFENSES

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 1543(b)(1)(iii) | Drive w/ suspended/revoked license as condition of ARD/conviction for DUI (3rd/subsq off) | M-3 | 1 | m |
| 1543(b)(1.1)(ii) | Drive w/ susp. lic. & BAC $\geq 0.02\%$ or under influence of controlled subst. (2nd off) | M-3 | 1 | m |

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 1543(b)(1.1)(iii) | Drive w/ susp. lic. & BAC >=0.02%/or under influence of controlled subst. (3rd/subsq off) | M-1 | 3 | m |
| 1571(a.1) | Violations concerning licenses-agents issuing altered driver's license | F-3 | 5 | 1 |
| 1571(a)(5) | Violations concerning licenses-exhibit fictitious driver's license | M-1 | 3 | m |
| 3105(g)(2) | Unauth. operation of preemptive device | M-3 | 1 | m |
| 3367 | Racing on highways (2nd/subsq off) | M | 1 | m |
| 3712(a) | Abandonment of vehicles-on highway (3rd/subsq off) | M-3 | 1 | m |
| 3712(b) | Abandonment of vehicles-public/private property (3rd/subsq off) | M-3 | 1 | m |
| 3712.2(a) | Stripping abandoned vehicles (2nd/subsq off) | F-3 | 5 | 1 |
| 3712.2(a) | Stripping abandoned vehicles (1st off) | M-3 | 1 | m |
| 3732(a)* | Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) | F-3 ¹ | 10 | 1 |
| 3732(a)* | Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) | F-3 ¹ | 10 | 1 |
| 3732(a)* | Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) | F-3 ¹ | 8 | 1 |
| 3732(a)* | Homicide by vehicle-w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended/revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) | F-3 ¹ | 8 | 1 |
| 3732(a)* | Homicide by vehicle | F-3 | 6 | 1 |
| 3732.1(a)* | Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) | F-3 ² | 9 | 1 |
| 3732.1(a)* | Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) | F-3 ² | 9 | 1 |
| 3732.1(a)* | Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) | F-3 ² | 7 | 1 |

| 75 Pa.C.S. § | Description | Statutory Class | § 303.3 Offense Gravity Score | § 303.7 Prior Record Score Points |
|----------------|---|------------------|-------------------------------|-----------------------------------|
| 3732.1(a)* | Aggravated assault by vehicle w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended/revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) | F-3 ² | 7 | 1 |
| 3732.1(a)* | Aggravated assault by vehicle | F-3 | 5 | 1 |
| 3733(a) | Fleeing or eluding police officer | M-2 | 2 | m |
| 3733(a) | Fleeing or eluding police officer-with DUI/cross state line/high-speed chase | F-3 | 5 | 1 |
| 3735(a)(1)(i) | Homicide by vehicle while DUI | F-2 | 10 | 2 |
| 3735(a)(1)(ii) | Homicide by vehicle while DUI (prior DUI) | F-1 | 11 | 3 |
| 3735.1(a) | Aggravated assault by vehicle while DUI | F-2 | 9 | 2 |
| 3735.1(a.1)* | Aggravated assault by vehicle while DUI-required to be licensed (75-1501) or operating privilege suspended/revoked (75-1543) | F-2 | 10 | 2 |
| 3742(a) | Accident involving death/personal injury-failure to stop (death) | F-2 | 9 | 2 |
| 3742(a) | Accident involving death/personal injury-failure to stop (SBI) | F-3 | 5 | 1 |
| 3742(a) | Accident involving death/personal injury-failure to stop (injury) | M-1 | 3 | m |
| 3742.1(a)(1)* | Accident involving death/personal injury-not properly licensed (death) | F-3 | 6 | 1 |
| 3742.1(a)(1)* | Accident involving death/personal injury-not properly licensed (SBI) | F-3 | 5 | 1 |
| 3742.1(a)(1) | Accident involving death/personal injury-not properly licensed | M-2 | 2 | m |
| 3742.1(a)(2) | Accident involving death/personal injury-not properly licensed: acting with negligence (death) | M-2 | 3 | m |
| 3742.1(a)(2) | Accident involving death/personal injury-not properly licensed: acting with negligence (SBI) | M-3 | 2 | m |
| 3743(a) | Accident involving damage to attended vehicle or property | M-3 | 1 | m |
| 3802 | Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i)) | | | § 303.7(a) |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (1st off) | M | 1 | m |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (2nd off) | M | 1 | 1 |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (3rd off) | M-2 | 3 | 1 |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (4th/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-general impairment/incapable of safe driving (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: refused testing (1st off) | M | 1 | m |

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 3802(a)(1) | DUI-incapable of safe driving: refused testing (2nd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: refused testing (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: refused testing (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: refused testing (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: refused testing (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (1st off) | M | 1 | m |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off) | M | 1 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) | F-3 | 6 | <u>1</u> |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (1st off) | M | 1 | m |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (2nd off) | M | 1 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (3rd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(a)(1) | DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(a)(2) | DUI-general impairment: BAC .08-<.10 (1st off) | M | 1 | m |
| 3802(a)(2) | DUI-general impairment: BAC .08-<.10 (2nd off) | M | 1 | 1 |
| 3802(a)(2) | DUI-general impairment: BAC .08-<.10 (3rd off) | M-2 | 3 | 1 |
| 3802(a)(2) | DUI-general impairment: BAC .08-<.10 (4th/subsq off) | F-3 | 6 | 1 |
| 3802(a)(2) | DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(a)(2) | DUI-general impairment: BAC .08-<.10 (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802 (a)(2) | DUI-general impairment: BAC .08-<.10 (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(b) | DUI-high rate of alcohol: BAC .10-< .16 (1st off) | M | 1 | m |
| 3802(b) | DUI-high rate of alcohol: BAC .10-< .16 (2nd off) | M | 1 | 1 |
| 3802(b) | DUI-high rate of alcohol: BAC .10-< .16 (3rd off) | M-1 | 5 | 1 |

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--------------------------------------|--|
| 3802(b) | DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off) | F-3 | 6 | 1 |
| 3802(b) | DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(b) | DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(b) | DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(c) | DUI-highest rate of alcohol: BAC >=.16 (1st off) | M | 1 | m |
| 3802(c) | DUI-highest rate of alcohol: BAC >=.16 (2nd off) | M-1 | 5 | 1 |
| 3802(c) | DUI-highest rate of alcohol: BAC >=.16 (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(c) | DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(c) | DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(c) | DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(1)(i) | DUI-controlled substances: Sched I (1st off) | M | 1 | m |
| 3802(d)(1)(i) | DUI-controlled substances: Sched I (2nd off) | M-1 | 5 | 1 |
| 3802(d)(1)(i) | DUI-controlled substances: Sched I (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(1)(i) | DUI-controlled substances: Sched I (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(d)(1)(i) | DUI-controlled substances: Sched I (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(d)(1)(i) | DUI-controlled substances: Sched I (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(1)(ii) | DUI-controlled substances: Sched II/III (1st off) | M | 1 | m |
| 3802(d)(1)(ii) | DUI-controlled substances: Sched II/III (2nd off) | M-1 | 5 | 1 |
| 3802(d)(1)(ii) | DUI-controlled substances: Sched II/III (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(1)(ii) | DUI-controlled substances: Sched II/III (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(d)(1)(ii) | DUI-controlled substances: Sched II/III (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(d)(1)(ii) | DUI-controlled substances: Sched II/III (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(1)(iii) | DUI-controlled substances: metabolite of Sched I/II/III (1st off) | M | 1 | m |
| 3802(d)(1)(iii) | DUI-controlled substances: metabolite of Sched I/II/III (2nd off) | M-1 | 5 | 1 |
| 3802(d)(1)(iii) | DUI-controlled substances: metabolite of Sched I/II/III (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(1)(iii) | DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(d)(1)(iii) | DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(d)(1)(iii) | DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(2) | DUI-controlled substances & incapable of safe driving (1st off) | M | 1 | m |

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|---|------------------------|--|--|
| 3802(d)(2) | DUI-controlled substances & incapable of safe driving (2nd off) | M-1 | 5 | 1 |
| 3802(d)(2) | DUI-controlled substances & incapable of safe driving (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(2) | DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(d)(2) | DUI-controlled substances & incapable of safe driving (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(d)(2) | DUI-controlled substances & incapable of safe driving (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(3) | DUI-controlled substances & alcohol & incapable of safe driving (1st off) | M | 1 | m |
| 3802(d)(3) | DUI-controlled substances & alcohol & incapable of safe driving (2nd off) | M-1 | 5 | 1 |
| 3802(d)(3) | DUI-controlled substances & alcohol & incapable of safe driving (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(3) | DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(d)(3) | DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(d)(3) | DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(4) | DUI-controlled substances: solvent, etc. (1st off) | M | 1 | m |
| 3802(d)(4) | DUI-controlled substances: solvent, etc. (2nd off) | M-1 | 5 | 1 |
| 3802(d)(4) | DUI-controlled substances: solvent, etc. (3rd/subsq off) | F-3 | 6 | 1 |
| 3802(d)(4) | DUI-controlled substances: solvent, etc. (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(d)(4) | DUI-controlled substances: solvent, etc. (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(d)(4) | DUI-controlled substances: solvent, etc. (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(e) | DUI-minor driver (1st off) | M | 1 | m |
| 3802(e) | DUI-minor driver (2nd off) | M | 1 | 1 |
| 3802(e) | DUI-minor driver (3rd off) | M-1 | 5 | 1 |
| 3802(e) | DUI-minor driver (4th/subsq off) | F-3 | 6 | 1 |
| 3802(e) | DUI-minor driver (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(e) | DUI-minor driver (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(e) | DUI-minor driver (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(f)(1)(i) | DUI-commercial vehicles (1st off) | M | 1 | m |
| 3802(f)(1)(i) | DUI-commercial vehicles (2nd off) | M | 1 | 1 |
| 3802 (f)(1)(i) | DUI-commercial vehicles (3rd off) | M-1 | 5 | 1 |
| 3802(f)(1)(i) | DUI-commercial vehicles (4th/subsq off) | F-3 | 6 | 1 |
| 3802(f)(1)(i) | DUI-commercial vehicles (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(f)(1)(i) | DUI-commercial vehicles (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(f)(1)(i) | DUI-commercial vehicles (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(f)(1)(ii) | DUI-school vehicles (1st off) | M | 1 | m |
| 3802(f)(1)(ii) | DUI-school vehicles (2nd off) | M | 1 | 1 |
| 3802(f)(1)(ii) | DUI-school vehicles (3rd off) | M-1 | 5 | 1 |

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 3802(f)(1)(ii) | DUI-school vehicles (4th/subsq off) | F-3 | 6 | 1 |
| 3802(f)(1)(ii) | DUI-school vehicles (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(f)(1)(ii) | DUI-school vehicles (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(f)(1)(ii) | DUI-school vehicles (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (1st off) | M | 1 | m |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (2nd off) | M | 1 | 1 |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (3rd off) | M-1 | 5 | 1 |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off) | F-3 | 6 | 1 |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(f)(2) | DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (1st off) | M | 1 | m |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (2nd off) | M | 1 | 1 |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (3rd off) | M-1 | 5 | 1 |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (4th/subsq) | F-3 | 6 | 1 |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(f)(3) | DUI-commercial/school vehicles & controlled substances (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (1st off) | M | 1 | m |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (2nd off) | M | 1 | 1 |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (3rd off) | M-1 | 5 | 1 |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off) | F-3 | 6 | 1 |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) | F-3 | 6 | 1 |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 1st/2nd off) | M-1 | 5 | 1 |
| 3802(f)(4) | DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 3rd/subsq off) | F-3 | 6 | 1 |
| 3808(a)(1) | Illegally operating motor vehicle not equipped with ignition interlock-no BAC | M | 1 | m |
| 3808(a)(2) | Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025) | M-3 | 1 | m |
| 3808(b) | Tampering with ignition interlock system-using/providing breath sample | M | 1 | m |
| 6308(d) | Investigation by police officers-records | M-3 | 1 | m |

| <i>75 Pa.C.S. §</i> | <i>Description</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---------------------|--|------------------------|--------------------------------------|--|
| 6503.1 | Habitual offenders | M-2 | 2 | m |
| 7111 | Deal in titles/plates for stolen vehicles | M-1 | 3 | m |
| 7112 | False report of theft or conversion of vehicle | M-3 | 1 | m |
| 7121 | False application for title or registration | M-1 | 3 | m |
| 7122 | Altered/forged/counterfeit title/plates | M-1 | 3 | m |
| 8306(b) | Willful violation-hazardous materials transportation regs (1st off) | M-3 | 1 | m |
| 8306(c) | Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs) | M-2 | 2 | m |

*=subcategorized offenses. See § 303.3(b).

m=other misdemeanor offense. See § 303.7(a)(5).

¹ statutory maximum increased by 5 years if offense occurred in active work zone or if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=12 years)

² statutory maximum increased by 2 years if offense occurred in active work zone or if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=9 years)

OMNIBUS ASSIGNMENTS

| <i>Omnibus Assignments</i> | <i>Statutory Class</i> | <i>§ 303.3 Offense Gravity Score</i> | <i>§ 303.7 Prior Record Score Points</i> |
|---|----------------------------|--------------------------------------|--|
| Offenses not otherwise listed and new offenses: | F-1 | 8 | 3 |
| | F-2 | 7 | 2 |
| | F-3 | 5 | 1 |
| | Felony Not Classified | 5 | 1 |
| | | | |
| | M-1 | 3 | m |
| | M-2 | 2 | m |
| | M-3 | 1 | m |
| | Misdemeanor Not Classified | 1 | m |

§ 303.16(a). Basic Sentencing Matrix.

(Editor's Note. § 303.16(a) is replaced in its entirety for readability purposes)

| Level | OGS | Prior Record Score | | | | | | | RFEL | REVOC | AGG/MIT |
|---------|-----|-------------------------|-------------------------|---------------------------|---------------------------|-------------------------|-------------------------|---------|------|--------|---------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | | | | |
| LEVEL 5 | 14 | 72-SL | 84-SL | 96-SL | 120-SL | 168-SL | 192-SL | 204-SL | SL | ~/-12 | |
| | 13 | 60-78 | 66-84 | 72-90 | 78-96 | 84-102 | 96-114 | 108-126 | 240 | +/- 12 | |
| | 12 | 48-66 | 54-72 | 60-78 | 66-84 | 72-90 | 84-102 | 96-114 | 120 | +/- 12 | |
| | 11 | 36-54 | 42-60 | 48-66 | 54-72 | 60-78 | 72-90 | 84-102 | 120 | +/- 12 | |
| | 10 | 22-36 | 30-42 | 36-48 | 42-54 | 48-60 | 60-72 | 72-84 | 120 | +/- 12 | |
| | 9 | 12-24 | 18-30 | 24-36 | 30-42 | 36-48 | 48-60 | 60-72 | 120 | +/- 12 | |
| LEVEL 4 | 8 | 9-16 | 12-18 | 15-21 | 18-24 | 21-27 | 27-33 | 40-52 | NA | +/- 9 | |
| LEVEL 3 | 7 | 6-14 | 9-16 | 12-18 | 15-21 | 18-24 | 24-30 | 35-45 | NA | +/- 6 | |
| | 6 | 3-12 | 6-14 | 9-16 | 12-18 | 15-21 | 21-27 | 27-40 | NA | +/- 6 | |
| LEVEL 2 | 5 | RS-9 P2 (225-250) | 1-12 | 3-14 | 6-16 | 9-16 | 12-18 | 24-36 | NA | +/- 3 | |
| | 4 | RS-3 P1 (100-125) | RS-9 P2 (225-250) | RS-<12 P2 (300-325) | 3-14 | 6-16 | 9-16 | 21-30 | NA | +/- 3 | |
| | 3 | RS-1 P1 (50-75) | RS-6 P1 (150-175) | RS-9 P2 (225-250) | RS-<12 P2 (300-325) | 3-14 | 6-16 | 12-18 | NA | +/- 3 | |
| LEVEL 1 | 2 | RS (25-50) | RS-2 P1 (75-100) | RS-3 P1 (100-125) | RS-4 P1 (125-150) | RS-6 P1 (150-175) | 1-9 | 6- <12 | NA | +/- 3 | |
| | 1 | RS (25-50) | RS-1 P1 (50-75) | RS-2 P1 (75-100) | RS-3 P1 (100-125) | RS-4 P1 (125-150) | RS-6 P1 (150-175) | 3-6 | NA | +/- 3 | |

Restorative Sanctions (RS) are non-confinement sentence recommendation (204 Pa. Code § 303.9(f))
 Guilt without further penalty (42 Pa.C.S. § 9723)
 Fines (18 Pa.C.S. § 1101) including Fines/Community Service Guidelines (204 Pa. Code § 303.14(a)(4))
 Community Service (range of hours), including Fines/Community Service Guidelines (204 Pa. Code § 303.14(a)(4))
 Restitution (18 Pa.C.S. § 1106)
 Probation (42 Pa.C.S. §§ 9722, 9763(b)), including recommendations for duration of probation
 P1: 1 year P2: 2 years Probation as Restorative Sanction = Recommended aggregate term not to exceed 5 years.

Confinement sentence recommendations (204 Pa. Code § 303.9(e)) are ranges of minimum terms in months
 Confinement in state facility (§ 303.9(e)(1))
 Confinement in county facility (§ 303.9(e)(2), (3))
 Probation with restrictive conditions (§ 303.9(e)(2), (3)) are CIP programs (42 Pa.C.S. Chapter 98), subject to the following recommendations:
Sentencing guidelines. Duration of restrictive conditions and confinement recommended not to exceed sentence range.
DUI mandatory minimum requirement. Duration of restrictive conditions and confinement equivalent to mandatory minimum requirement.
Clinical evaluation. Diagnostic evaluation of dependency on alcohol and other drugs consistent with clinically prescribed treatment.
RNR assessment. Validated assessment of risk, needs, and responsivity may guide decisions related to: intensity of intervention, use of restrictive conditions, and duration of community supervision.
 Probation supervision period = Recommended aggregate term not to exceed 10 years.

Omnibus Offense Gravity Score (OGS) assignments. See Omnibus policy (§ 303.3(f)) and OGS assignments (§ 303.15):
 M3 = OGS 1 M2 = OGS 2 M1 = OGS 3
 F3 = OGS 5 F2 = OGS 7 F1 = OGS 8 F1 (maximum>20 years) = OGS 10

§ 303.16(b). Basic Sentencing Matrix for Offenders Convicted of 1st or 2nd Degree Murder.

| Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree | | | | | | | | | | |
|--|-----|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------|
| | OGS | Prior Record Score | | | | | | | | Agg/Mit |
| | | 0 | 1 | 2 | 3 | 4 | 5 | RFEL | REVOC | |
| Murder of 1st Degree | | | | | | | | | | |
| Offender >=18 | 15 | LWOP or Death | LWOP or Death | LWOP or Death | LWOP or Death | LWOP or Death | LWOP or Death | LWOP or Death | LWOP or Death | N/A |
| Offender Age 15 to < 18 | 15 | 420-Life | 456-Life | 492-Life | 552-Life | 612-Life | 672-Life | 732-Life | LWOP | +/60 |
| Offender Age <15 | 15 | 300-Life | 324-Life | 348-Life | 396-Life | 444-Life | 492-Life | 540-Life | LWOP | +/48 |
| Murder of 2nd Degree | | | | | | | | | | |
| Offender >=18 | 15 | LWOP | LWOP | LWOP | LWOP | LWOP | LWOP | LWOP | LWOP | N/A |
| Offender Age 15 to < 18 | 15 | 360-624 | 384-624 | 408-624 | 444-624 | 480-624 | 516-624 | 552-624 | 588-624 | +/36 |
| Offender Age <15 | 15 | 240-588 | 252-588 | 264-588 | 288-588 | 312-588 | 336-588 | 360-588 | 384-588 | +/24 |

1. Murder of the 1st Degree also includes 1st Degree Murder of Unborn Child and 1st Degree Murder of Law Enforcement Officer
2. Murder of the 2nd Degree also includes 2nd Degree Murder of Unborn Child and 2nd Degree Murder of Law Enforcement Officer
3. LWOP = Life without Parole
4. The Offense Gravity Score (OGS) of 15 is assigned only for Murder 1 and Murder 2.
5. Commonwealth must provide reasonable notice to offender of its intention to seek a sentence of life imprisonment without parole for Murder of 1st Degree when committed by an offender under age 18 (18 Pa.C.S. § 1102.1(b)).
6. Recommendations for Murder 1 and 2 apply to offenders under age 18 at the time of the offense and the conviction occurred after June 24, 2012.

§ 303.17(a). Deadly Weapon Enhancement/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 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 | 15-22 | 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 |

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When [county intermediate punishment] **probation with restrictive conditions** is appropriate, the duration of the restrictive intermediate punishment program(s) shall not exceed the guideline ranges.
3. **[The mitigated recommendation is never less than three months (§ 303.10(a))] In no case where the enhancement is applied may the mitigated sentence recommendation be lower than the duration of the enhancement of the standard range described in § 303.10(a)(5) (i.e., OGS 1-4 = 3 months; OGS 5-8 = 6 months; OGS 9-14 = 9 months). See § 303.13(b)(6).**
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.17(b). Deadly Weapon Enhancement/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 |

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When [county intermediate punishment] **probation with restrictive conditions** is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
3. **[The mitigated recommendation is never less than six months (§ 303.10(a))] In no case where the enhancement is applied may the mitigated sentence recommendation be lower than the duration of the enhancement of the standard range described in § 303.10(a)(6) (i.e., OGS 1-4 = 6 months; OGS 5-8 = 12 months; OGS 9-14 = 18 months). See § 303.13(b)(6).**
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(a). School Enhancement Matrix.

| Level | OGS | Prior Record Score | | | | | | | | Agg/Mit |
|-------|-----|--------------------|---------|----------|----------|----------|----------|----------|-------|---------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | RFEL | REVOC | |
| 5 | 14 | 78-SL | 90-SL | 102-SL | SL | SL | SL | SL | SL | ~/-12 |
| | 13 | 66 - 90 | 72 - 96 | 78 - 102 | 84 - 108 | 90 - 114 | 102 - SL | 114 - SL | SL | +/-12 |
| | 12 | 54-78 | 60-84 | 66-90 | 72-96 | 78-102 | 90-114 | 102-SL | SL | +/-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 |

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Levels 3 and 4 indicate restrictive intermediate punishments may be substituted for incarceration.
3. When **[county intermediate punishment is] restrictive conditions of probation are** appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than six months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(b). Youth Enhancement Matrix.

| Level | OGS | Prior Record Score | | | | | | | RFEL | REVOC | Agg/Mit |
|-------|-----|--------------------|----------|----------|----------|----------|----------|----------|------|-------|---------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | | | | |
| 5 | 14 | 84 - SL | 96 - SL | 108 - SL | SL | SL | SL | SL | SL | ~/-12 | |
| | 13 | 72 - 102 | 78 - 108 | 84 - 114 | 90 - 120 | 96 - SL | 108 - SL | SL | SL | +/-12 | |
| | 12 | 60 - 90 | 66 - 96 | 72 - 102 | 78 - 108 | 84 - 114 | 96 - SL | 108 - SL | SL | +/-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 | |
| | 9 | 24 - 48 | 30 - 54 | 36 - 60 | 42 - 66 | 48 - 72 | 60 - 84 | 72 - 96 | 120 | +/-12 | |
| 4 | 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 | |

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When **[county intermediate punishment is] restrictive conditions of probation are** appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than twelve months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(c). School and Youth Enhancement Matrix.

| Level | OGS | Prior Record Score | | | | | | | | Agg/Mit | |
|-------|-----|--------------------|----------|----------|----------|----------|----------|-----------|-------|---------|-------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | RFEL | REVOC | | |
| 5 | 14 | 90 - SL | 102 - SL | 114 - SL | SL | SL | SL | SL | SL | SL | ~/-12 |
| | 13 | 78 - 114 | 84 - 120 | 90 - SL | 96 - SL | 102 - SL | 114 - SL | SL | SL | SL | +/-12 |
| | 12 | 66-102 | 72-108 | 78-114 | 84-120 | 90-SL | 102-SL | 114-SL | SL | SL | +/-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 |

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When [county intermediate punishment is] **restrictive conditions of probation are** appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than eighteen months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

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**Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS**

**COMMISSION ON SENTENCING
[204 PA. CODE CH. 307]**

Adopted Resentencing Guidelines, Amendment 1

On June 4, 2020, the Pennsylvania Commission on Sentencing approved for the purpose of public comment proposed Amendment 1 of the Resentencing Guidelines, 204 Pa. Code §§ 307.1—307.4. The proposal was published in the *Pennsylvania Bulletin* on July 4, 2020 (50 Pa.B. 3305). Public hearings were held August 18, 2020 (McKeesport, Allegheny County, and via ZOOM) and

August 20, 2020 (Harrisburg, Dauphin County, and via ZOOM).

On September 10, 2020, the Pennsylvania Commission on Sentencing adopted Resentencing Guidelines, Amendment 1. The Guidelines adopted by the Commission are submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*, and will become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly.

The Commission originally adopted Resentencing Guidelines on June 13, 2019. As per the mandate (42 Pa.C.S. § 2154.4), the Guidelines take into account: (1) factors considered in adopting the Sentencing Guidelines, (2) the seriousness of the violation, and (3) the rehabilitative needs of the defendant. The Resentencing Guidelines are informed by an analysis of the revocations

and resentences reported to the Commission since 2016. As no statewide data existed upon which to base Resentencing Guidelines, counties were required to report all revocations of probation, county intermediate punishment, and state intermediate punishment that were imposed on or after January 1, 2016 and the related resentences (7th Edition Sentencing Guidelines, Amendment 3).

The Resentencing Guidelines became effective January 1, 2020. They were to apply to sentences of probation, county intermediate punishment, and state intermediate punishment imposed on or after January 1, 2020 and that were subsequently revoked for technical violations and conviction violations and resentenced.

However, prior to the effective date of January 1, 2020, Act 115 of 2019 was enacted. It repealed the sentencing alternatives of County Intermediate Punishment and State Intermediate Punishment as of December 18, 2019. The Act reassigns County Intermediate Punishment Programs as restrictive conditions of probation and created the State Drug Treatment Program under the authority of the Department of Corrections as a replacement for State Intermediate Punishment.

The Resentencing Guidelines, as adopted June 13, 2019 and effective January 1, 2020, remain applicable to sentences of probation imposed on or after January 1, 2020 and that are subsequently revoked and resentenced.

On September 10, 2020, the Commission adopted Resentencing Guidelines, Amendment 1, primarily to address the repeal of County and State Intermediate Punishment under Act 115 of 2019. Additionally, in response to practitioners, the Commission incorporated language to consider time spent serving the order of probation when resentencing offenders (42 Pa.C.S. § 9771(e)).

Resentencing Guidelines, Amendment 1, as adopted by the Commission, is summarized below and set forth in Annex A.

REPRESENTATIVE TODD STEPHENS,
Chair

Commentary on Annex A

This Commentary provides selected highlights of the adopted Resentencing Guidelines, Amendment 1. The adopted Amendment is set forth in Annex A.

Revisions to § 307.1—Preliminary provisions

Act 115 of 2019 repealed county intermediate punishment and state intermediate punishment as sentencing alternatives effective December 18, 2019. Definitions and references to these alternatives were removed under (a) and (b). Under the definition of ‘probation’ in (b), language was added to reference restrictive conditions of probation and restrictive DUI probation conditions. Under the definition of ‘resentence,’ language was incorporated to include due consideration of time served under probation. Technical changes were made in numbering in (b).

Revisions to § 307.2—Resentencing Guidelines standards

Act 115 of 2019 repealed county intermediate punishment and state intermediate punishment as sentencing alternatives effective December 18, 2019. References to those alternatives were removed.

Resentencing Guidelines were effective January 1, 2020 and applied to all sentences of probation, county intermediate punishment, and state intermediate punishment that were revoked for technical violations or conviction violations and subsequently resentenced. Resentencing Guidelines, Amendment 1, continue to apply to sentences

of probation that are revoked for technical or conviction violations and subsequently resentenced. It includes sentences imposed with restrictive conditions of probation.

Revisions to § 307.3—Procedure for determining the guideline sentence

Act 115 of 2019 repealed county intermediate punishment and state intermediate punishment as sentencing alternatives effective December 18, 2019. References to those alternatives were removed.

The Commission added language to include due consideration given to time spent serving the order of probation (42 Pa.C.S. § 9771(e)) when resentencing offenders.

Revisions to § 307.4—Guideline sentence recommendations

No change.

Resource Utilization

In accordance with 42 Pa.C.S.A. § 2153(a)(15), the Commission is mandated to determine resources required under current Resentencing Guidelines and resources that would be required to carry out Resentencing Guidelines, Amendment 1. Changes to the Resentencing Guidelines may be initiated by the Commission or in response to legislation enacted by the General Assembly.

Amendment 1 is a technical change to remove references to County Intermediate Punishment and State Intermediate Punishment which were already repealed as sentencing alternatives (Act 115 of 2019). As these two sentencing alternatives were repealed prior to the effective date of the original Resentencing Guidelines, only probation sentences imposed and subsequently revoked fell under the initial Resentencing Guidelines.

Therefore, the modifications adopted in Resentencing Guidelines, Amendment 1 do not impact resource utilization since the removed provisions were no longer subject to resentencing.

Effective Date

Resentencing Guidelines, Amendment 1 shall become effective January 1, 2021 unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 307. RESENTENCING GUIDELINES, AMENDMENT 1

§ 307.1. Preliminary provisions.

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing an offender following the revocation of probation [, county intermediate punishment, or state intermediate punishment].

(2) The Resentencing Guidelines shall take into account:

(i) factors considered in adopting the sentencing guidelines,

(ii) the seriousness of the violation, and

(iii) the rehabilitative needs of the defendant.

(b) *Definitions.* For the purposes of this chapter:

[(1)] “Conviction.” A finding of guilty or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

[(2)] **“County intermediate punishment (CIP).” A sentencing alternative as provided in 42 Pa.C.S. Chapter 98 and imposed pursuant to 42 Pa.C.S. § 9763.]**

[(3)] “Court.” A court of record.

[(4)] “Judicial proceeding.” A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

[(5)] “Offense gravity score (OGS).” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code § 303.3 and § 303.15).

[(6)] “Offense tracking number (OTN).” A unique identifying number assigned to an entire set of charges related to a conviction. An OTN is generally assigned by the court at the time of arraignment.

[(7)] “Prior record score (PRS).” A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code § 303.4).

[(8)] “Probation.” A sentencing alternative as provided in 42 Pa.C.S. § 9722 and imposed pursuant to 42 Pa.C.S. § 9754; **conditions of probation, pursuant to 42 Pa.C.S. § 9763, include conditions generally (b), restrictive DUI probation conditions (c), and restrictive conditions of probation (d).**

[(9)] “Resentence.” A new sentence imposed following the revocation of probation[, **county intermediate punishment, or state intermediate punishment**]. Upon revocation, the sentencing alternatives available to the court shall be the same as were available at the time of the initial sentence, **due consideration given to time spent serving the order of probation.**

[(10)] “Revocation.” The termination of an order of probation [**or a sentence of county intermediate punishment or state intermediate punishment**], upon proof of a violation of specific conditions of the order or sentence, as provided in 42 Pa.C.S. §§ 9771 and 9771.1 (relating to revocation of probation)[, **42 Pa.C.S. § 9773 (relating to revocation of county intermediate punishment), and 42 Pa.C.S. § 9774 (relating to revocation of state intermediate punishment)**].

[(11)] “Risk assessment instrument.” An empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

[(i)] 1st generation. “Professional judgment,” with assessments based on training and experience;

[(ii)] 2nd generation. “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

[(iii)] 3rd generation. “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employ-

ment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

[(iv)] 4th generation. “Risk-needs-responsivity (RNR) assessment,” an actuarial assessment of static and dynamic factors used to match the level of service to the offender’s risk to re-offend; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities, and strengths of the offender.

[(12)] “Sentencing Guidelines Software Web Application (SGS Web).” A JNET-based application operated by the Commission which includes the modules for Sentencing Guidelines and for Resentencing Guidelines. SGS Web serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences.

[(13)] “State identification number (SID).” A unique number associated with each offender based on fingerprints. The Commission requires the inclusion of SID as part of the record in the completed Guideline Sentence Form (§ 303.1(f)).

[(14)] **“State intermediate punishment (SIP).” A sentencing alternative as provided in 61 Pa.C.S. Chapter 41 and imposed pursuant to 61 Pa.C.S. § 4104(d).]**

[(15)] “Violation.” A finding by a court of record, following a hearing, that the offender failed to comply with terms and conditions of an order of probation [**or a sentence of county intermediate punishment or state intermediate punishment**].

[(i)] “Technical violation.” Failure to comply with the terms and conditions of an order of probation [**or a sentence of county intermediate punishment or state intermediate punishment**], other than by the commission of a new offense of which the offender is convicted in a court of record.

[(ii)] “Conviction violation.” Commission of a new offense during the period of probation[, **county intermediate punishment, or state intermediate punishment**], resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

§ 307.2. Resentencing Guidelines standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation[, **county intermediate punishment, or state intermediate punishment**].

(b) The Resentencing Guidelines shall apply to revocations of probation[, **county intermediate punishment, and state intermediate punishment**] for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation[, **county intermediate punishment, and state intermediate punishment**] for all offenses committed on or after the effective date of the amendment. Amendment 1 is effective January 1, 2021.

(c) Upon revocation of probation[, **county intermediate punishment, or state intermediate punishment**], all sentencing alternatives available to the court at the time of the initial sentence shall be available to the court for resentencing.

(d) In every case in which a court of record imposes a resentence for a felony or misdemeanor, the court shall make as a part of the record and disclose in open court at the time of resentencing, a statement of the reason or reasons for the revocation and for the resentence imposed. In every case where a court of record imposes a resentence outside the Resentencing 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 204 Pa. Code § 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 report all revocations of probation [, **county intermediate punishment, and state intermediate punishment**] and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

§ 307.3. Procedure for determining the guideline resentence.

(a) For a technical violation resulting in the revocation of an order of probation [**or a sentence of county intermediate punishment or state intermediate punishment**], the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation [**or a sentence of county inter-**

mediate punishment or state intermediate punishment], the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines), and include consideration of the following:

(1) If the PRS category of the initial sentencing guidelines is PRS 0 through PRS 4, the PRS is increased by one category;

(2) If the PRS category of the initial sentencing guidelines is PRS 5, RFEL, or REVOC, there is no change to the PRS category.

Consideration shall be given to any service of the original sentence.

(c) If the revocation of an order of probation [**or a sentence of county intermediate punishment or state intermediate punishment**] is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

§ 307.4. Guideline resentence recommendations.

(a) Prior to resentencing, the Commission recommends the court obtain additional information via a risk-needs assessment or a risk-needs-responsivity assessment to identify any rehabilitative needs that may be addressed in a resentence.

(b) Guideline resentencing recommendations relating to sentencing level, sentencing programs, aggravated and mitigated circumstances, and economic sanctions shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code §§ 303.11, 303.12, 303.13, and 303.14.

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