

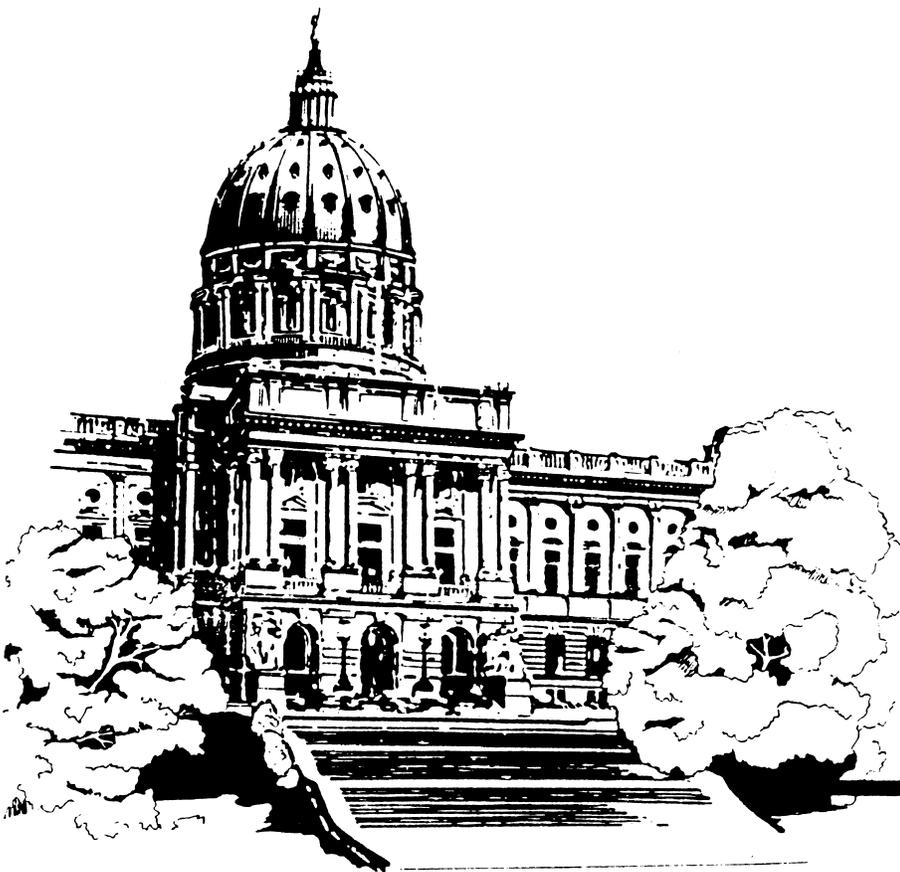
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## Part II

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# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING

#### [ 204 PA. CODE CHS. 303 AND 303a ]

#### Adopted 8th Edition Sentencing Guidelines

On January 7, 2023, the Pennsylvania Commission on Sentencing (Commission) published at 53 Pa.B. 125 (January 7, 2023) proposed 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 303a.1—303a.8, to replace the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18, and requested public comment. Six public hearings were held:

February 8, 2023 (Philadelphia)

February 17, 2023 (Easton)

February 22, 2023 (Pittsburgh)

February 27, 2023 (PA DOC via Zoom, limited to testimony from incarcerated individuals)

March 2, 2023 (Erie)

March 8, 2023 (Harrisburg and via Zoom)

On March 9, 2023, the Commission adopted the 8th Edition Sentencing Guidelines, and on June 8, 2023, approved the final document for publication. The adopted 8th Edition Sentencing Guidelines are hereby submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*. The 8th Edition Sentencing Guidelines become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly, and will apply to all offenses committed on or after January 1, 2024.

The 7th Edition Sentencing Guidelines and all previous editions of the sentencing guidelines are retained for reference in Chapter 303 (relating to sentencing guidelines, 7th edition) and apply to all offenses committed prior to January 1, 2024. The 8th Edition Sentencing Guidelines are set forth in Chapter 303a (relating to sentencing guidelines, 8th edition) and apply to all offenses committed on or after January 1, 2024. The 8th Edition Sentencing Guidelines include substantial changes to the assignment of offense gravity scores and the procedures for determining the prior record score, provide more targeted offense-specific sentence recommendations and contain judicial proceeding considerations. The 8th Edition Sentencing Guidelines also include an expanded preliminary provisions section which addresses authorization for guidelines, descriptions of sentencing alternatives and programs and definitions of terms.

The 8th Edition Sentencing Guidelines, as adopted by the Commission, are summarized as follows and set forth in Annex B.

JUDGE TAMARA R. BERNSTEIN,  
*Chair*

#### *Commentary on Annex A*

In light of the addition of the approved 8th Edition Sentencing Guidelines under Chapter 303a, Chapter 303 is renamed to reflect that it contains the 7th Edition

Sentencing Guidelines, which are retained for reference rather than reserved and rescinded, and § 303.19 (relating to applicability) is added.

#### *Commentary on Annex B*

On January 22, 2022, the Commission published a working draft of sentencing guidelines proposals at 52 Pa.B. 583 (January 22, 2022) and held six public hearings. The working draft was developed following a comprehensive review of the sentencing guidelines, which began in 2014, and considered recommendations from the following:

- Strategic Planning Work Group (SPWG, 2014—2016)
- Model Penal Code: Sentencing (MPCS, 2001—2017)
- Justice Reinvestment Initiative (JRI-II, 2016—2019)
- Academic Review Panel (ARP, 2020-2021)

As noted in the publication of the working draft, the comprehensive review provided an opportunity to study current practices and research best practices; to consider approaches to streamline, automate and update the sentencing guidelines; to promote greater certainty in sentencing and more efficient use of resources and programs; and to harmonize the sentencing guidelines with amended statutes and with other Commission mandates, including the sentence risk assessment instrument, re-sentencing guidelines, parole guidelines and recommitment ranges. The working draft proposals suggested restructuring of the sentencing guidelines by providing more targeted sentence recommendations, redirecting the primary focus of the recommendations on factors associated with the conviction offense and reducing the impact of the prior record.

On January 7, 2023, the Commission published at 53 Pa.B. 125 (January 7, 2023) proposed 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 303a.1—303a.8, to replace the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18, and held six public hearings. The proposed 8th Edition Sentencing Guidelines replace the 7th Edition Sentencing Guidelines and apply to offenses committed on or after the effective date set in the new guidelines. The 8th Edition Sentencing Guidelines are set forth in Chapter 303a, with earlier sentencing guidelines retained for reference in Chapter 303. Consistent with the working draft, the proposed 8th Edition Sentencing Guidelines:

- Recalibrate and expand the number of offense gravity score categories, from 14 general categories to 30 general categories, with an additional 8 categories established for the three degrees of murder. The restructured offense gravity score categories are intended to provide more targeted recommendations and more uniform and proportional increases between categories.

- Rebuild the prior record score, reducing the number of categories from eight to five and focusing on the severity of the most serious prior offense and the number of priors offenses of equal seriousness. And reduce the overall impact of the prior record score for less serious offenders, by lowering increases in sentence recommendations linked to criminal history, and by expanding lapsing provisions to include the removal of certain prior convictions.

- Streamline the application of enhancements, by using standardized adjustments to offense gravity score assignments to address the nearly 20 statutes and over 50

sentence factors considered and restructure the offense gravity score assignments for DUI and BUI to address both the mandatory minimum sentencing requirements and the grade of the offense.

- Promote greater consideration of the aggregate sentence, whether confinement or probation, the use of clinical assessments and evaluations, and the programs and treatment alternatives available through correctional institutions and in the community.

On March 9, 2023, the Commission adopted the 8th Edition Sentencing Guidelines, and on June 8, 2023, approved the final document for publication. The adopted 8th Edition Sentencing Guidelines incorporate as sections of the sentencing guidelines the tables contained in the proposed 8th Edition Sentencing Guidelines, including Table A (effective dates), Tables B-1, B-2 and B-3 (OGS-POG assignments), Table C (OGS enhancements), Tables D-1 and D-2 (OGS assignments for mandatory provisions), and Table E (prior offense groups and PRS categories). Various sections and subsections of the proposed 8th Edition Sentencing Guidelines were reordered, text modified to improve clarity and several definitions were added. The 8th Edition Sentencing Guidelines become effective 90 days after publication unless they are rejected by concurrent resolution of the General Assembly and will apply to all offenses committed on or after January 1, 2024.

#### *Description of Changes*

Provided as follows is a description of each of the new sections of the adopted 8th Edition Sentencing Guidelines, noting changes from the previously published proposal and identifying similar sections contained in the 7th Edition Sentencing Guidelines.

#### *§ 303a.1. Preliminary provisions*

This section provides the statutory authorization to adopt guidelines for sentencing, probation, restrictive conditions, fines and community service; a list of dispositions authorized by statute, also referred to as sentencing alternatives; a list of sentencing and correctional programs authorized by statute; and a list of definitions of words and phrases used in the sentencing guidelines. Amendments to the published proposal include a re-ordering of subsections and the addition and modification of several definitions.

This is a new section, not included in the 7th Edition, but does include as subsections the authorized dispositions found in part in § 303.9 (relating to guideline sentence recommendation: general) of the 7th Edition and authorized programs found in § 303.12 (relating to guideline sentence recommendations: sentencing and correctional programs) of the 7th Edition.

#### *§ 303a.2. Guideline sentencing standards*

This section provides general provisions, procedures at sentencing and the reporting of information to the Commission. Amendments to the published proposal include reference to § 303a.8 (relating to effective dates of sentencing guidelines editions), which incorporates Table A from the proposal, and provides a listing of the effective dates of the editions and amendments to the sentencing guidelines; and modifications to the text to clarify the reporting of sentences and the distinction between offense-specific recommendations and judicial proceeding considerations.

This section is substantially similar to §§ 303.1 and 303.2 (relating to sentencing guidelines standards; and procedure for determining the guideline sentence) of the 7th Edition.

#### *§ 303a.3. Offense gravity score*

This section provides policies related to the assignment of offense gravity scores, including assignments for enhancements and for mandatory minimum sentencing provisions. Amendments to the published proposal include corrections regarding OGS categories limited to assignments for murder, excluding inchoates to murder from the general policy concerning OGS assignments for felonies of the first degree; references new §§ 303a.9, 303a.10 and 303a.11 (relating to offense listing (OGS/POG assignments); BUI/DUI offense listing (OGS/POG assignments); and omnibus OGS tables) that incorporate Tables B1, B-2, B-3, D-1 and D-2 related to OGS assignments and consolidate omnibus OGS assignments from the proposal; references new § 303a.12 (relating to OGS enhancements table) that incorporates Table C related to enhancements from the proposal; the addition of an omnibus enhancement to serve as a default assignment for newly enacted enhancements; and modifications to the text to correct and clarify the application of enhancements, and provide consistency between § 303a.3 (relating to offense gravity score) and § 303a.12.

The general provisions of this section are substantially similar to § 303.3 (relating to offense gravity score—general) of the 7th Edition but increases the number of offense gravity score categories from 14 general categories and an additional category limited to murder of the first and second degree, to 30 general categories and an additional eight categories limited to murder. The enhancement provisions are substantially similar to § 303.10 (relating to guideline sentence recommendations: enhancements) of the 7th Edition, although OGS adjustments replace various other methods to enhance sentences, and new or modified enhancements enacted by the General Assembly and adopted by the Commission, are included. The mandatory sentencing provisions are substantially similar to § 303.9 of the 7th Edition, although the OGS assignments for BUI and DUI have been updated to reflect recent legislative amendments and greater reliance on the mandatory requirements.

#### *§ 303a.4. Prior record score*

This section provides policies related to the determination of the prior record score, including general provisions, procedures for identifying previous offenses, lapsing provisions, procedures for determining the prior record score category and miscellaneous provisions. Amendments to the published proposal include retaining the prior record score the consideration of adjudications for crimes of violence by a person 14 years of age or older but less than 16 years of age; removing the burden of proof on the person for the lapsing of prior adjudications and convictions; providing a 10-year crime-free period since the last adjudication or conviction (gap) for removing an adjudication for a crime of violence by a person 14 years of age or older but less than 16 years of age; and deletion of the term REVOC in reference to PRS 4.

This section related to but substantially changes §§ 303.4—303.8 of the 7th Edition. Substantive amendments include increasing the age at which juvenile adjudications are considered in the prior record score from 14 years of age to 16 years of age, except for crimes of violence; establishing four prior offense groups (POG) based on the grade and seriousness of the offense, to replace the current point system; expanding the juvenile lapsing provisions and adding adult lapsing provisions; and streamlining the process for determining the prior

record score, reducing the number of PRS categories and limiting the impact of prior record score for less serious offenders.

§ 303a.5. *Offense-specific sentence recommendation (re-labeled)*

This section provides general provisions, purposes of sentencing, sentencing levels and standard range recommendations. Amendments to the published proposal include reference to § 303a.14 (relating to sentencing matrix), which is the sentencing matrix provided at § 303a.8 in the proposal; including a reference to developmental disorders or disability when addressing consideration of treatment alternatives; deletion of references to costs and fees, and clarification of references to fines and restitution; addition of administrative probation and clarification related to general probation; and amendments to the text to correct and clarify, including consistent use of the term recommend when referring to offense-specific recommendations.

This section is substantially similar to § 303.9 and §§ 303.5 and 303.11 (relating to prior record score—prior convictions; and guideline sentence recommendation: sentencing levels) of the 7th Edition. However, amendments include an increase in the number of sentencing levels from five to eight, with each of the new levels linked to a specific disposition, and in case of State confinement, further linked to a duration or specific offense; and the addition of a new level limited to murder of the third degree. Murder 3 was separated out due to the nature of the circumstances leading to a conviction and the wide distribution of sentences. In creating this new level, the Commission seeks to provide courts with broad discretion while at the same time requiring the reporting of reasons for sentences to provide a better basis for future assignments.

§ 303a.6. *Aggravated and mitigated circumstances*

This section provides consideration of aggravating and mitigating circumstances, the aggravated and mitigated ranges of the sentencing guidelines, sentences that depart from the guidelines and the reporting of reasons to the Commission. Amendments to the published proposal include the addition of a definition of conformity to the guidelines related to offense-specific recommendations; changes to the duration of certain aggravated/mitigated ranges and corrections of related examples; corrections to reflect no aggravated range at Level G and no mitigated range at Level A; addition of a reason related to the nature and circumstances of the offense, and a reason added to the history and character of the person; and modifications to the text to add clarity.

This section is substantially similar to § 303.13 (relating to guideline sentence recommendations: aggravated and mitigated circumstances) of the 7th Edition, but includes a list of reasons that may be considered by the court; it also expands reporting requirements by providing for the reporting of reasons to the Commission when sentencing for murder of the third degree and when the sentence imposed is outside the standard range of the guidelines.

§ 303a.7. *Judicial proceeding recommendations*

This section provides suggestions for consideration for imposition of concurrent or consecutive sentences, and the aggregation of consecutive sentences, during a judicial proceeding; the consideration of sentencing programs; and the determination of eligibility and appropriateness for correctional programs. These suggestions for consideration are intended to promote greater consistency in the

use of concurrent or consecutive sentences, and to encourage the consideration of evidence-based programs and practices. Amendments to the published proposal include clearer distinctions between offense-specific recommendations that are used throughout the guidelines and linked to conformity and reporting, and these judicial proceeding considerations that encourage practices that promote consistency and consideration of available programming.

This is a new section, not included in the 7th Edition, but does include provisions from §§ 303.9, 303.11, and 303.12, including statutory provisions related to mandatory consecutive sentences, and provisions related to the aggregate terms of probation.

§ 303a.8. *Effective dates of sentencing guidelines editions (Sentencing matrix, previously found at this section, is moved to § 303a.14).*

This section provides a list of the effective dates of the editions and amendments of the sentencing guidelines. This was included as Table A in the published proposal and is now incorporated as § 303a.8. Amendments to the published proposal include adding a notation regarding the availability of previous editions and amendments to the sentencing guidelines upon request. This section is substantially similar to information provided in § 303.1 of the 7th Edition.

§ 303a.9. *Offense listing (OGS/POG assignments)*

This new section provides a list of all OGS and POG assignments for offenses with OGS assignments other than the omnibus OGS, as well as subcategorized offenses and offenses subject to offense-specific enhancements. This was included as Tables B-1, B-2 and B-3 in the published proposal and is now incorporated as § 303a.9. Changes to the published proposal include removing columns related to special categories of offenses, removing most offenses with the omnibus OGS assignment and creating a separate section to address the omnibus assignments. This section is substantially similar to information provided in § 303.15 (relating to offense listing) of the 7th Edition.

§ 303a.10. *BUI/DUI offense listing (OGS/POG assignments)*

This new section provides a list of all OGS and POG assignments for BUI and DUI offenses. This was included as Tables D-1 and D-2 in the published proposal and is now incorporated as § 303a.10. Changes to the published proposal include adding any missing offenses and creating a separate section to address the omnibus assignments. This section is substantially similar to information provided in § 303.15 of the 7th Edition.

§ 303a.11. *Omnibus OGS tables*

This new section provides three omnibus OGS tables, including general omnibus OGS assignments, BUI omnibus OGS assignments, and DUI omnibus OGS assignments. These tables were included in Table B-3, D-1 and D-2 in the published proposal and are now combined and incorporated as § 303a.11. Changes to the published proposal include removing the omnibus tables from the OGS/POG offense listing and creating a separate omnibus OGS section. This section is substantially similar to information provided in § 303.3 of the 7th Edition.

§ 303a.12. *OGS enhancement table*

This new section provides a list of all enhancements, with designation whether enhanced through subcategorization and/or adjustment, as well as the increases for the OGS adjustments. This was included as Table C in

the published proposal and is now incorporated as § 303a.12. Changes to the published proposal include corrections or additions consistent with statute and with the provisions contained in § 303a.3. This section is substantially similar to information provided in § 303.10 of the 7th Edition.

§ 303a.13. *POG/PRS tables*

This new section provides the definition of the prior offense groups (POG) and the determination of prior record score (PRS) categories. The POG definitions were included in § 303a.4 (relating to prior record score) of the published proposal, and the PRS categories were included as Table E in the published proposal and are now combined in § 303a.13 (relating to POG/PRS tables). There are no substantive changes to the published proposal. Similar to § 303a.4, this section reflects substantive changes to prior record score policies provided in §§ 303.4—303.8 of the 7th Edition.

§ 303a.14. *Sentencing matrix*

This new section provides the sentencing matrix, previously published as § 303a.8, which includes the standard range offense-specific sentence recommendations based on OGS assignment and/or adjustment and the PRS determination, and information on sentencing levels and aggravated and mitigated ranges. As provided in §§ 303a.5 and 303a.6 (relating to offense-specific sentence recommendation; and aggravated and mitigated circumstances), the matrix reflects adopted changes to the published proposal. The sentencing matrix replaces those found at §§ 303.16(a) and (b), 303.17(a) and (b), and 303.18(a)—(c) of the 7th Edition, and provides more targeted sentence recommendations; greater emphasis on the use of probation and restorative sanctions, including fines and community service; and more consistent and uniform increases from across OGS and PRS categories, which supports the use of step-increases for enhancements, thus eliminating multiple matrices.

*Effective Date*

The 8th Edition Sentencing Guidelines will be effective January 1, 2024, for offenses committed on or after that date, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b) (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

*Resource Utilization*

Prior to the adoption of changes to the sentencing guidelines, the Commission is required to use a correctional population simulation model to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed changes to the guidelines. 42 Pa.C.S. § 2153(a)(15) (relating to powers and duties of commission).

Two resource analyses are provided. The first compares actual sentences imposed in 2019 to sentences recommended under the 8th Edition Guidelines. This approach allows for an estimation of the type and duration of sentences for the 7th Edition Guidelines when the guidelines, at lower sentencing levels, do not provide a distinct sentencing alternative recommendation (i.e., RS-9). The second approach compares sentencing recommendations from both the 7th and 8th Edition to estimate the overall, and racial impact, on State confinement sentences. This more refined approach allows for a comparison of guideline structures that is not influenced by actual sentencing practices.

*Resource Utilization (Approach # 1)*

The proposed sentencing guidelines are intended to reflect typical sentences imposed by courts, based in great part on the median sentences reported for the years 2017—2019. In estimating the resource utilization of the proposed sentencing guidelines, the bottom of the proposed standard range was selected as the basis for comparison for several reasons.

- First, the proposed sentencing guidelines recommend a single disposition (e.g., county confinement) rather than a range of dispositions (e.g., restorative sanctions, probation or county confinement) as is typical under the current sentencing guidelines. There are numerous examples where a substantial portion of sentences imposed below the median were for a less restrictive disposition. In such cases, the Commission anticipates higher rates of mitigation or departures below the guidelines, both of which reduce anticipated resource utilization.

- Second, as a rule when developing the proposal, the standard range of the proposed sentencing guidelines was included within the “footprint” of the standard range of the current sentencing guidelines. When the median sentence was outside the current standard range, the proposed standard range was set at the bottom or the top of the current standard range, whichever was closest to the median sentence. Medians below the current standard range were far more common than medians above the current standard range. So again, the Commission anticipates higher rates of mitigation or departures below the guidelines, both of which reduce anticipated resource utilization.

- Third, the Commission does not have a basis for estimating the conformity to the proposed sentencing guidelines, given the substantial changes to the structure of the guidelines and the use of median sentences to guide the development of recommendations. The standard range best reflects the Commission’s recommendations, and the bottom of the standard range accounts for the issues discussed previously.

The use of State confinement would be reduced 15.9% or an aggregate reduction of 3,511 beds through reduced commitments for slightly longer average minimum terms; the use of county confinement would be reduced 29.8% or an aggregate reduction of 2,727 beds through increased commitments for substantially shorter average minimum terms; and the use of probation reduced Statewide by 10,817 cases (30.7%) with an overall workload reduction of 21.8% based on the aggregate number of months of supervision ordered.

A significant increase in the use of restorative sanctions, including community service and fines with or without administrative probation, are required to offset the reduction in the use of probation, targeting misdemeanor offenses such as theft of less than \$50 and possession of a small amount of marijuana.

*State Confinement Impact Analysis (Approach # 2)*

The second approach to the impact analysis focuses solely on a comparison of recommended sentences for State confinement (Levels 4 and 5 of the 7th Edition and Levels D through H of the 8th Edition). This ‘apples to apples’ comparison allows for a focus on the structural changes to the guideline edition, eliminating the influence of judicial discretion.

Overall, there is a 27.4% reduction in the use of State confinement and a 34.5% reduction in the number of individuals recommended for State confinement sentence.

There is a slightly higher reduction in the use of State confinement for Blacks (28.4%) than for Whites (27.6%). The reduction in the number of Whites and Blacks recommended for State confinement is consistent with the Statewide average.

Additional information on the resource utilization analysis and details of the findings are available from the Commission and at <https://pcs.la.psu.edu>.

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VIII. CRIMINAL SENTENCING

#### CHAPTER 303. SENTENCING GUIDELINES, 7TH EDITION

(Editor's Note: The following text is added and printed in regular type to enhance readability.)

#### § 303.19. Applicability.

The provisions of this chapter apply to offenses committed before January 1, 2024.

### Annex B

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VIII. CRIMINAL SENTENCING

#### CHAPTER 303a. SENTENCING GUIDELINES, 8TH EDITION

Sec.	
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<u>303a.9.</u>	<u>Offense listing (OGS/POG assignments).</u>
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<u>303a.11.</u>	<u>Omnibus OGS tables.</u>
<u>303a.12.</u>	<u>OGS enhancements table.</u>
<u>303a.13.</u>	<u>POG/PRS tables.</u>
<u>303a.14.</u>	<u>Sentencing matrix.</u>

#### § 303a.1. Preliminary provisions.

(a) *Authorization for adoption of guidelines.*

(1) *Adoption of guidelines for sentencing and probation.* As authorized by 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), the Commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for persons who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors.

(i) In adopting guidelines, the Commission shall recommend confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and the community and the rehabilitative needs of the person.

(ii) The guidelines shall address the following retributive factors:

(A) Seriousness of the offense, by specifying the range of sentences applicable to crimes of a given degree of gravity.

(B) Criminal history, by specifying a range of sentences of increased severity or intensity of intervention for

persons previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. The Commission may exclude or reduce the valuation of less serious offenses and increase the valuation of offenses committed while under supervision or in a temporal or offense pattern.

(C) Criminal behavior, by specifying a range of sentences of increased severity or intensity of possessed intervention for persons with increased culpability, including those who possessed or used a deadly weapon or inflicted substantial harm during the commission of the current conviction offense.

(D) Aggravated and mitigated ranges, by specifying variations from the range of sentences applicable on account of aggravating or mitigating circumstances.

(E) The impact of any amendments to 42 Pa.C.S. § 9756 (relating to sentence of total confinement).

(iii) The guidelines shall include the following risk-related adjustments:

(A) Incapacitation of serious violent persons.

(B) Modifications to criminal history to reflect risk to reoffend and substantial risk to public safety to adjust the length of total confinement for more serious criminal history.

(iv) The guidelines shall address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation.

(v) The guidelines shall include interactive information to support decisions with risk and recidivism information.

(2) *Adoption of guidelines for restrictive conditions and certification of compliance.* As authorized by 42 Pa.C.S. § 2154.1 (relating to adoption of guidelines for restrictive conditions), the Commission shall adopt guidelines to identify persons who would be eligible and appropriate for restrictive conditions of probation. These guidelines shall be considered by the sentencing court in determining whether to impose restrictive conditions pursuant to 42 Pa.C.S. § 9763 (relating to conditions of probation).

(i) The guidelines shall give primary consideration to reducing recidivism for the protection of the public safety.

(ii) The Commission shall certify compliance by each county with guidelines adopted by the Commission for county intermediate punishment or for imposing restrictive conditions of probation, and with related statutory requirements and 42 Pa.C.S. § 9728(g.1) (relating to collection of restitution, reparation, fees, costs, fines and penalties), and report the results to the Pennsylvania Commission on Crime and Delinquency.

(3) *Adoption of guidelines for fines, other economic sanctions, and community service.* As authorized by 42 Pa.C.S. § 2154.3 (relating to adoption of guidelines for fines), the Commission shall adopt guidelines for fines or other lawful economic sanctions, within the limits established by law, which shall be considered by the sentencing court in determining the appropriate sentence for persons who plead guilty or nolo contendere to or who are found guilty of felonies and misdemeanors. The guidelines shall do all of the following:

(i) Specify the range of fines or other lawful economic sanctions, applicable to crimes of a given degree of gravity.

(ii) Specify a range of fines or other lawful economic sanctions of increased amount for persons previously convicted or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this paragraph, the term

“previously convicted or adjudicated delinquent” shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

(iii) Prescribe variations from the range of fines applicable on account of aggravating or mitigating circumstances.

(iv) Prescribe community service alternatives which may be imposed in lieu of all or part of the fines where the sentencing court finds the person lacks the ability to pay all or part of the fine.

(b) [ *Definitions.* For the purposes of these guidelines, as codified in Part VIII of 204 Pa. Code (relating to criminal sentencing), the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

“*Adjudication.*” A finding by a Juvenile Court that a juvenile has committed a delinquent act or that a child has committed an offense excluded from the definition of “delinquent act” and has been transferred from criminal proceedings pursuant to 42 Pa.C.S. § 6322 (relating to transfer from criminal proceedings).

“*Adjudication of delinquency.*” Following an adjudication hearing in which a Juvenile Court finds the juvenile committed a delinquent act, a determination by a Juvenile Court that the juvenile is in need of treatment, supervision, or rehabilitation.

“*Aggregated sentence.*” As required by 42 Pa.C.S. § 9762(f) (relating to sentencing proceeding; place of confinement), two or more consecutive sentences that have been combined, whereby the aggregate minimum term is the sum of the consecutive minimum terms, and the aggregate maximum term is the sum of the consecutive maximum terms.

“*Aggregate term of probation.*” The sum of all consecutive terms of probation imposed during a judicial proceeding.

“*Autism spectrum disorder.*” Any of the pervasive developmental disorders defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), including autistic disorder, Asperger’s disorder and pervasive developmental disorder not otherwise specified.

“*Board.*” Pennsylvania Parole Board. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole offenders sentenced to confinement in a state facility.

“*Bodily injury.*” Impairment of physical condition or substantial pain.

“*CPCMS—common pleas case management system.*” A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from courts of common pleas on current and prior conviction offenses, used to prepare sentencing guidelines and sentence risk assessments.

“*Commission.*” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered

by the court, and guidelines for parole and recommitment to be considered by the Board.

“*Concurrent sentence.*” Sentences imposed to be served simultaneously or at the same time.

“*Consecutive sentence.*” Sentences imposed to be served one after another. As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f), consecutive confinement sentences shall be aggregated into a single sentence with one minimum term and one maximum term.

“*Conviction.*” A finding of guilty or the entering of a plea of guilty or nolo contendere for a felony or misdemeanor, whether or not judgement of sentence has been imposed.

“*Course of conduct.*” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.

“*Court.*” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“*Crime-free period.*” Following a conviction and sentence and subsequent release to the community, the completion of a prescribed period of time without commission of a new felony or misdemeanor, for which the person pleads guilty or nolo contendere or is found guilty. For non-confinement sentences, release to the community begins on the date of sentencing; for confinement sentences, release to the community begins on the date of initial release on parole, or release following completion of the confinement sentence, whichever is earlier.

“*Crime of violence.*” An adjudication or conviction for an offense listed under 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

“*Criminal gang.*” A formal or informal ongoing organization, association, or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons.

“*Deadly weapon.*” Any firearm, as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms), whether loaded or unloaded; or any dangerous weapon, as defined in 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility); or any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury, including where the court determines that the person intended to use the weapon to threaten or injure another person.

“*Decay.*” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed period of time.

“*Delinquent act.*” An act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law.

“*Department.*” Pennsylvania Department of Corrections (DOC). An executive branch agency re-

sponsible for operating the state prison system and providing parole supervision of reentrants.

**“Disposition.”** The final determination made by a Juvenile Court after an adjudication of delinquency.

**“Enhancement.”** An adjustment to the basic sentence recommendations based on a determination by the court that a specified factor is present. Enhancements may be incorporated into the offense gravity score assignments or may require an increase in the assignments.

**“Family or household member.”** Spouses or persons who have been spouses, persons living 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.

**“Gap.”** A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed crime-free period.

**“Guideline sentence form.”** A document or a computer generated sentence information report promulgated by the Commission. The form provides the court with a guideline sentence recommendation and other relevant information for each conviction offense for consideration prior to sentencing; following sentencing, the form includes information on the sentence imposed and reasons for the sentence. The form is generated by SGS Web based on information entered or verified by users authorized by the court; following sentencing, SGS Web is used to electronically submit all required information used to generate the form to the Commission.

**“Inchoate offenses.”** The offenses of criminal attempt, criminal solicitation, and criminal conspiracy.

**“Intellectual disability.”** Regardless of the age of the individual, significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communications; self-care; home living; social and interpersonal skills; use of community resources; self-direction; functional academic skills; work; safety.

**“Judicial proceeding.”** A sentencing hearing in which all offenses for which a person is convicted are pending before the court. A judicial proceeding may include multiple dockets and OTNs.

**“Lapsing.”** The removal from the determination of the prior record score certain prior adjudication or conviction offenses. Lapsing includes decay and gap. Decay is the removal of a prior offense following a prescribed period of time. Gap is the removal of a prior offense following a prescribed period of crime-free behavior.

**“MDJS—magisterial district judge system.”** A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from minor courts on charges filed and the disposition of charges filed, used to prepare sentencing guidelines and sentence risk assessments.

**“Minor.”** A person who is less than 18 years of age.

**“OGS—offense gravity score.”** An assignment in the sentencing guidelines reflecting the seriousness of the conviction offense. There are 30 general OGS categories, OGS 1 through OGS 30, and eight OGS categories limited to assignments for murder.

**“OTN—offense tracking number.”** A unique identifying number assigned to an entire set of related charges. An OTN is generally assigned by the court at the time of arraignment.

**“POG—prior offense group.”** Classification of previous adjudication and conviction offenses based on seriousness used to determine the prior record score. There are four groups, POG1 through POG4, with POG1 being the least serious previous offenses and POG4 being the most serious previous offenses.

**“PRS—prior record score.”** A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person, based on certain previous juvenile adjudications and/or convictions. There are five PRS categories, PRS 0 through PRS 4.

**“Prior adjudication.”** A previous offense for which the commission of the offense and the adjudication of delinquency for the offense occurred prior to the commission of the current conviction offense.

**“Prior conviction.”** A previous offense for which the commission of the offense and the conviction for the offense occurred prior to the commission of the current conviction offense.

**“REVOC—repeat violent offender category.”** A prior record score category based on adjudications and/or convictions of two or more crimes of violence, as provided in 42 Pa.C.S. § 9714(g).

**“RS—restorative sanctions.”** Non-confinement and sentencing alternatives and penalties, including determination of guilt without further penalty, fine, community service, and restitution.

**“School zone.”** Within 250 feet of the real property on which is located a public or private elementary or secondary school.

**“Sentencing levels.”** Categories associated with recommended dispositions and durations, based on the combination of the offense gravity score and prior record score. There are eight sentencing levels (Level A—Level H).

**“Serious bodily injury.”** Bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**“Serious crimes.”** Except for crimes of violence, an adjudication or conviction for any felony of the first degree or felony of the second degree, or an adjudication or conviction for a felony of the third degree or misdemeanor of the first degree as provided in the following: 18 Pa.C.S. Part II, Article B (relating to offenses involving danger to the person), 18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act), and 42 Pa.C.S. § 9799.14 (relating to sexual offenses and tier system).

**“SGS Web—sentencing guidelines software web application.”** A JNET web-based application developed and operated by the Commission and required to be used for the preparation of sentencing guide-

lines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.

**“SID—state identification number.”** A unique number associated with each person based on fingerprints.

**“Statutory limit.”** The longest minimum term of confinement permitted by law, which is one-half the statutory maximum.

**“Statutory maximum.”** The maximum period of confinement or of probation authorized for the disposition of a person, as provided in 18 Pa.C.S. Chapter 11 (relating to authorized disposition of offenders).

(c) ] *Authorized dispositions.*

(1) The guidelines include recommendations regarding the type of disposition, referred to as sentencing alternatives; the duration of confinement and/or community supervision; the intensity of conditions; and the requirements associated with restitution and other economic sanctions.

(2) *Sentencing alternatives.* As provided in 42 Pa.C.S. Chapter 97 (relating to sentencing), courts [ **are authorized to** ] **shall consider and** select one or more of the alternatives [ **listed below** ] **authorized by 42 Pa.C.S. § 9721 (relating to sentencing generally)** when determining the sentence to impose. For purposes of the guidelines, the Commission has grouped these alternatives into four categories based on the increasing severity of the sanction to promote proportionality in sentencing.

(i) Restorative sanctions, **including non-confinement and limited supervision alternatives such as:**

(A) Determination of guilt without further penalty, pursuant to 42 Pa.C.S. § 9753 (relating to determination of guilt without further penalty).

(B) Fine, as provided in 42 Pa.C.S. §§ **9726 and 9758** (relating to fine), **subject to consideration of the defendant’s ability to pay**, including but not limited to:

(I) 18 Pa.C.S. § 1101 (relating to fines).

(II) **Section 13(b)—(o) of The Controlled Substance, Drug, Device and Cosmetic Act** (35 P.S. § 780-113(b)—(o)) [ **(relating to)** **regarding** prohibited acts, penalties ] ] .

(III) 42 Pa.C.S. § 9726 [ **(relating to fine)** ] .

(IV) 75 Pa.C.S. § 3804 (relating to penalties).

(C) Restitution, as provided in 42 Pa.C.S. §§ **9721(c) [ (relating to mandatory restitution) ] and 9763(b)(10)**, including but not limited to:

(I) 18 Pa.C.S. § 1106 (relating to **restitution for injuries to person or property**).

(II) 18 Pa.C.S. § 1107 (relating to **restitution for 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).

(V) **Section 1302 of the Crime Victims Act** (18 P.S. § 11.1302) [ **(relating to)** **regarding** restitution ] ] .

(D) **Administrative probation.** [ Costs, as provided in 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs), including but not limited to:

(I) 18 Pa.C.S. § 1109 (relating to costs)

(II) 18 P.S. § 11.1101 (relating to costs)

(III) 18 P.S. § 11.1102 (relating to costs for offender supervision programs)

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

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

(VI) 42 Pa.C.S. § 1726.2 (relating to criminal prosecutions involving domestic violence)

(E) Fees, including but not limited to:

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

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

(III) 42 Pa.C.S. § 1725.4 (relating to fee increases and automation fee)

(IV) 42 Pa.C.S. § 1725.5 (relating to booking center fee)

(V) 42 Pa.C.S. § 1725.7 (relating to petition for expungement or order for limited access fee ) ]

(ii) [ **Probation.** ] **General probation.** Order of probation, pursuant to 42 Pa.C.S. § 9754 (relating to order of probation), as provided in 42 Pa.C.S. § 9763(b) [ **(relating to conditions of probation generally)** ] .

(iii) *Probation with restrictive conditions.* Order of probation, pursuant to 42 Pa.C.S. § 9754, as provided in:

(A) 42 Pa.C.S. § 9763(c) **regarding restrictive DUI probation conditions**; and

(B) 42 Pa.C.S. § 9763(d) **regarding restrictive conditions of probation.**

(iv) *Confinement*

(A) Partial or total confinement in a county facility, pursuant to 42 Pa.C.S. § 9755 (relating to sentence of partial confinement) and § 9756, as provided in:

(I) 42 Pa.C.S. § 9762(b)(2) and (3) (relating to sentencing proceeding; place of confinement); and

(II) 75 Pa.C.S. § 3804(d) [ **(relating to)** **regarding** extended supervision of court ] ] .

(B) Total confinement in a State facility, pursuant to 42 Pa.C.S. § 9756, as provided in 42 Pa.C.S. § 9762(b)(1) and (2).

[ (d) ] (c) *Authorized programs.*

(1) The guidelines include recommendations and requirements for sentencing and reentry programs for consideration by the court, as well as correctional programs operated by the Department for which the court determines eligibility and appropriateness.

(2) *Sentencing and reentry programs.* The following sentencing and reentry programs are authorized by statute for consideration by the courts:

(i) County intermediate punishment programs as restrictive conditions of probation, as provided in 42 Pa.C.S. § 9804 (relating to county intermediate punishment programs).

(A) *Purpose.* 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 persons 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 persons who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

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

(I) 37 Pa. Code §§ 451.111 [ et seq ]—**451.124 (relating to intermediate punishment program minimum standards).**

(II) 42 Pa.C.S. §§ 2154, 2154.1, 9754, 9763, 9773, and Chapter 98.

(III) Sentence recommendations which include an option of county intermediate punishment programs as restrictive conditions of probation for certain persons are described in §§ 303a.3(c) and 303a.5(c) (relating to offense gravity score; and offense-specific sentence recommendations).

(C) *Plan.* The county intermediate punishment plan, as described in 42 Pa.C.S. Chapter 98 (relating to county intermediate punishment), 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.

(D) *Restrictive conditions of probation.* Restrictive conditions of probation, as provided in 42 Pa.C.S. § 9763(d), are defined as programs that provide for strict supervision of the person. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of persons. All programs must meet the statutory requirements of 42 Pa.C.S. § 9763, satisfy the minimum standards of the Pennsylvania Commission on Crime and Delinquency regulations at 37 Pa. Code Chapter 451 (relating to intermediate punishment programs), and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1 (relating to adoption of guidelines for restrictive conditions).

(I) *Restrictive conditions of probation.* House the person full time or part time or significantly restrict the person's movement and monitor the person's compliance with the program, including electronic monitoring or home confinement.

(II) A person under consideration for restrictive conditions of probation at Level C [ or D ] 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 **Pennsylvania** Department of Drug and Alcohol Programs.

(III) A person assessed to be dependent on alcohol or other [ **dugs** ] **drugs** shall be evaluated for purposes of a treatment recommendation by one of the above listed assessors. The evaluation shall consider the level of motivation of the person. If sentenced to a restrictive condition 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) A person assessed as not in need of drug or alcohol treatment may be placed in any approved restrictive condition of probation. Each day of participation in a restrictive condition of probation shall be considered the equivalent of one day of confinement for [ **guideline** ] **offense-specific** sentence recommendations.

(E) *Restrictive DUI probation conditions.* Restrictive DUI probation conditions, as provided in 42 Pa.C.S. § 9763(c), are specified programs that may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 75 Pa.C.S. § 1543(b) (**relating to driving while operating privilege is suspended or revoked**), former 75 Pa.C.S. § 3731 (**relating to driving under the influence of alcohol or controlled substance**) (**Repealed**) or § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38 (**relating to driving after imbibing alcohol or utilizing drugs**). The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of persons. All programs must meet the statutory requirements of 42 Pa.C.S. § 9763, satisfy the minimum standards of the Pennsylvania Commission on Crime and Delinquency regulations at 37 Pa. Code Chapter 451, and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1. Unless otherwise provided in statute, restrictive DUI probation conditions include:

(I) If the person 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, a sentence with restrictive DUI probation conditions shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and shall have restrictive DUI probation conditions of: a residential inpatient program or residential rehabilitative center; house arrest with electronic surveillance; a partial confinement program such as work release, a work camp or a halfway facility; or any combination of these programs.

(II) If the person is determined not to be in need of drug and alcohol treatment, the person shall have restrictive DUI probation conditions of: house arrest with electronic surveillance; or partial confinement programs such as work release, a work camp or a halfway facility; or any combination of these programs.

(ii) County reentry plan, as provided in 42 Pa.C.S. § 9756(b)(3).

(A) 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.

(B) A county reentry plan is not authorized where the maximum sentence imposed is two years or more, or where a mandatory minimum sentence of imprisonment or total confinement is required by law.

(C) At the time of sentencing, the court shall state whether or not the person is eligible to participate in a county 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.

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

(iii) Partial release from a county facility (work release), as provided in 42 Pa.C.S. § 9755(c).

(A) An order, imposed with a partial confinement sentence, granting a person the privilege of leaving the county correctional facility during necessary and reasonable hours, for employment, education, medical treatment, or any other purpose approved by the court.

(B) At the time of sentencing, the court shall state whether partial release is authorized, and any conditions ordered, with a partial confinement sentence.

(C) Correctional authorities shall determine when and under what conditions consistent with the order issued the person shall be permitted to be absent from the correctional institution.

(iv) Mandatory period of probation for certain sexual offenders, as provided in 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).

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

(B) 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.

(C) 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.

(v) State reentry supervision, as provided in 61 Pa.C.S. § 6137.2 (relating to reentry supervision).

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

(B) 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.

(C) 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.

(D) 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) *Correctional programs.* The following correctional programs are authorized by statute and operated by the Department for which the court determines eligibility and appropriateness:

(i) State motivational boot camp program, as provided in 61 Pa.C.S. Chapter 39 (relating to motivational boot camp).

(A) A program for eligible persons committed to the Department in which the person participates 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.

(B) *Eligibility.* The following statute governs operation of and eligibility for the state motivational boot camp: eligible persons, as provided in 61 Pa.C.S. § 3903 (relating to definitions).

(C) Boot camp is recommended for eligible persons less than 40 years of age committed to the Department 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.

(D) The court shall indicate on the person's commitment order and the guideline sentence form if the person is excluded from eligibility for the boot camp program. The Department makes the final determination as to whether the person will be accepted into the boot camp program.

(E) 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.

(ii) State drug treatment program, as provided in 61 Pa.C.S. Chapter 41 (relating to state drug treatment program).

(A) A 24-month program for drug-related persons committed to the Department designed to address the individually assessed drug and alcohol abuse and [ **addition** ] **addiction** 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.

(B) *Eligibility.* The following statute governs operation of and eligibility for the State drug treatment program: eligible person, as provided in 61 Pa.C.S. § 4103 (relating to definitions).

(C) State drug treatment program is recommended for eligible persons convicted of drug-related offenses committed to the Department 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.

(D) The court shall indicate on the person's commitment order and the guideline sentence form if the person is excluded from eligibility for the State drug treatment program. The Department makes the final determination as to whether the person will be accepted into the State drug treatment program.

(E) Upon 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.

(F) The court may impose a consecutive period of probation. The total duration of a sentence of State confinement and consecutive probation may not exceed the maximum term for which the eligible person could otherwise be sentenced.

(iii) Recidivism risk reduction incentive (RRRI) program, as provided in 61 Pa.C.S. Chapter 45 (relating to recidivism risk reduction incentive).

(A) A program to encourage eligible non-violent persons committed to the Department to participate in and successfully complete evidence-based programs that reduce the likelihood of recidivism and improve public safety.

(B) *Eligibility.* The following statute governs operation of and eligibility for the recidivism risk reduction incentive program: eligible person, as provided in 61 Pa.C.S. § 4503 (relating to definitions).

(C) 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 person. 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.

(D) The court shall indicate on the person'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 five-sixths of the minimum sentence when the minimum sentence is greater than three years.

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

(iv) Short sentence parole (SSP) program, as provided in 61 Pa.C.S. § 6137.1 (relating to short sentence parole).

(A) A program for eligible non-violent persons committed to the Department with an aggregate minimum sentence of confinement of two years or less for which parole at minimum without an interview is authorized.

(B) *Eligibility.* The following statute governs operation of and eligibility for SSP: 61 Pa.C.S. § 6137.1(a).

(C) SSP requires the Board to approve for parole an eligible person at the expiration of the minimum date or RRRI minimum date, whichever is shorter, without requiring an interview.

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

**(d) Definitions. For the purposes of these guidelines, as codified in this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:**

**“Adjudication.”** A finding by a Juvenile Court that a juvenile has committed a delinquent act or that a child has committed an offense excluded from the definition of “delinquent act” and has been transferred from criminal proceedings pursuant to 42 Pa.C.S. § 6322 (relating to transfer from criminal proceedings).

**“Adjudication of delinquency.”** Following an adjudication hearing in which a Juvenile Court finds the juvenile committed a delinquent act, a determination by a Juvenile Court that the juvenile is in need of treatment, supervision or rehabilitation.

**“Administrative probation.”** An order of probation with supervision limited to only that necessary to monitor compliance and promote successful collection of restitution and/or fines and/or the completion of community service, for a period not to exceed six months.

**“Aggregate confinement sentence.”** As required by 42 Pa.C.S. § 9762(f), two or more consecutive sentences that have been combined, whereby the aggregate minimum term is the sum of the consecutive minimum terms, and the aggregate maximum term is the sum of the consecutive maximum terms.

**“Aggregate term of probation.”** The sum of all consecutive terms of probation imposed during a judicial proceeding.

**“Autism spectrum disorder.”** Any of the pervasive developmental disorders defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), including autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified.

**“BUI—boating under the influence.”** An adjudication or conviction for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).

**“Board.”** Pennsylvania Parole Board. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole persons sentenced to confinement in a State facility.

**“Bodily injury.”** Impairment of physical condition or substantial pain.

**“CPCMS—common pleas case management system.”** A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from courts of common pleas on current and prior conviction offenses, used to prepare sentencing guidelines and sentence risk assessments.

**“Commission.”** Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment ranges following revocation to be considered by the Board.

**“Concurrent sentence.”** Sentences imposed to be served simultaneously or at the same time.

**“Consecutive sentence.”** Sentences imposed to be served one after another. As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f), consecutive confinement sentences shall

be aggregated into a single sentence with one minimum term and one maximum term.

“Conviction.” A finding of guilty or the entering of a plea of guilty or nolo contendere for a felony or misdemeanor, whether or not judgement of sentence has been imposed.

“Course of conduct.” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.

“Court.” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

“Crime-free period.” Following a conviction and sentence and subsequent release to the community, the completion of a prescribed period of time without commission of a new felony or misdemeanor, for which the person pleads guilty or nolo contendere or is found guilty. For non-confinement sentences, release to the community begins on the date of sentencing; for confinement sentences, release to the community begins on the date of initial release on parole, or release following completion of the confinement sentence, whichever is earlier.

“Crime of violence.” An offense listed under 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

“Criminal gang.” A formal or informal ongoing organization, association, or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons.

“DUI—driving under the influence.” An adjudication or conviction for a violation of former 75 Pa.C.S. § 3731 (relating to driving under the influence of alcohol or controlled substance) (Repealed) or 75 Pa.C.S. Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs).

“Deadly weapon.” A firearm, as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms), whether loaded or unloaded; or any dangerous weapon, as defined in 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility); or any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury, including where the court determines that the person intended to use the weapon to threaten or injure another person.

“Decay.” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed period of time.

“Delinquent act.” An act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law.

“Department.” Pennsylvania Department of Corrections. An executive branch agency responsible for operating the State prison system and providing parole supervision of reentrants.

“Disposition.” Upon conviction, and for purposes of the guidelines, the sentencing alternative and/or

program imposed by the court during a sentencing hearing. A separate consideration is the duration of the sentence.

“Enhancement.” An increase in the OGS assignment that applies when a court determines one or more specified sentencing factors were present during the commission of a crime.

“Family or household member.” Spouses or persons who have been spouses, persons living 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.

“Gap.” A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed crime-free period.

“Guideline sentence form.” A document or a computer-generated sentence information report promulgated by the Commission. The form provides the court with a guideline sentence recommendation and other relevant information for each conviction offense for consideration prior to sentencing; following sentencing, the form includes information on the sentence imposed and reasons for the sentence. The form is generated by the Commission’s sentencing guidelines application based on information entered or verified by users authorized by the court; following sentencing, the Commission’s sentencing guidelines application is used to electronically submit all required information used to generate the form to the Commission.

“Inchoate offenses.” The offenses of criminal attempt, criminal solicitation, and criminal conspiracy.

“Intellectual disability.” Regardless of the age of the individual, significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communications; self-care; home living; social and interpersonal skills; use of community resources; self-direction; functional academic skills; work; safety.

“Juvenile disposition.” The final determination made by a Juvenile Court after an adjudication of delinquency.

“Judicial proceeding.” A sentencing hearing in which all offenses for which a person is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple dockets and OTNs.

“Judicial proceeding consideration.” Suggestions for determining the service of multiple sentences, the eligibility and appropriateness of certain sentencing and correctional programs, and the aggregate term of probation during a sentencing hearing, intended to encourage greater consistency in sentencing and to promote the use of evidence-based practices. Decisions based on these general policies are not considered by the Commission when reporting conformity to the sentencing guidelines.

“Lapsing.” The removal from the determination of the prior record score certain prior adjudication or conviction offenses. Lapsing includes “decay” and “gap.”

**“MDJS—magisterial district judge system.”** A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from minor courts on charges filed and the disposition of charges filed, used to prepare sentencing guidelines and sentence risk assessments.

**“Minor.”** Unless otherwise specified, a person who is under 18 years of age.

**“OGS—offense gravity score.”** An assignment in the sentencing guidelines reflecting the seriousness of the conviction offense. There are 30 general OGS categories, OGS 1 through OGS 30, and eight OGS categories limited to assignments for murder.

**“OTN—offense tracking number.”** A unique identifying number assigned to an entire set of related charges. An OTN is generally assigned by the court at the time of arraignment.

**“Offense-specific sentence recommendation.”** A recommendation for the disposition and duration of a sentence imposed for a conviction offense, intended to promote uniformity and proportionality in sentencing. A standard range recommendation represents the typical sentence for the typical circumstance; for sentences imposed in the mitigated or aggravated range, and for departures from the guidelines, courts are required to report reasons for the sentence.

**“POG—prior offense group.”** Classification of previous adjudication and conviction offenses based on seriousness used to determine the prior record score. There are four groups, POG1 through POG4, with POG1 being the least serious previous offenses and POG4 being the most serious previous offenses.

**“PRS—prior record score.”** A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person, based on certain previous juvenile adjudications and/or convictions. There are five PRS categories, PRS 0 through PRS 4.

**“Prior adjudication.”** A previous offense for which the commission of the offense and the adjudication of delinquency for the offense occurred prior to the commission of the current conviction offense.

**“Prior conviction.”** A previous offense for which the commission of the offense and the conviction for the offense occurred prior to the commission of the current conviction offense.

**“RS—restorative sanctions.”** Non-confinement and limited supervision sentencing alternatives and penalties, such as determination of guilt without further penalty, restitution, fines, community service and administrative probation.

**“SID—state identification number.”** A unique number associated with each person based on fingerprints.

**“School zone.”** Within 250 feet of the real property on which is located a public or private elementary or secondary school.

**“Sentencing guidelines.”** Sentencing guidelines include offense-specific sentence recommendations, which must be considered by the court, and judicial proceeding considerations, which may be considered by the court. Determination of conformity to

the sentencing guidelines, based on whether a sentence is imposed within one of the three ranges (i.e., standard, aggravated, mitigated), or is a departure from the guidelines (i.e., disposition and/or duration outside of the ranges or failing to follow procedures), only applies to the offense-specific recommendation.

**“Sentencing guidelines application.”** A JNET web-based application developed and operated by the Commission and required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.

**“Sentencing levels.”** Categories associated with recommended dispositions and durations, based on the combination of the offense gravity score and prior record score. There are eight sentencing levels (Level A—Level H).

**“Serious bodily injury.”** Bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**“Serious crimes.”** Except for crimes of violence, an adjudication or conviction for any felony of the first degree or felony of the second degree, or an adjudication or conviction for a felony of the third degree or misdemeanor of the first degree as provided in the following: 18 Pa.C.S. Part II, Article B (relating to offenses involving danger to the person), 18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act), and 42 Pa.C.S. § 9799.14.

**“Statutory limit.”** The longest minimum term of confinement permitted by law, which is one-half the statutory maximum.

**“Statutory maximum.”** The maximum period of confinement or of probation authorized for the disposition of a person, as provided in 18 Pa.C.S. Chapter 11 (relating to authorized disposition of offenders).

#### § 303a.2. Guideline sentencing standards.

##### (a) General provisions.

(1) The court shall consider the sentencing guidelines in determining the appropriate sentence for persons 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.

(2) 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, except as provided in 204 Pa. Code Chapters 307 and 307a (relating to resentencing guidelines for 7th edition sentencing guidelines; and resentencing guidelines for 8th edition sentencing guidelines); or revocation of parole, except as provided in Chapter 311 (relating to State parole recommitment ranges).

(3) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Editions or amendments to the sentencing guidelines

shall apply to all offenses committed on or after the effective date of the edition or amendment to the guidelines.

(i) The effective date of the initial sentencing guidelines and effective dates of editions and amendments to the sentencing guidelines are provided in [ **Table A** ] **§ 303a.8 (relating to effective dates of sentencing guidelines editions)**.

(ii) On October 7, 1987, the Pennsylvania Supreme Court invalidated the sentencing guidelines due to a procedural error that occurred in 1981, when the General Assembly rejected the initial sentencing guidelines adopted by the Commission. As a result, sentencing guidelines adopted prior to April 25, 1988, were declared by the Court to be of no force.

(iii) For offenses committed on multiple dates, the guidelines shall be applied based on the date of each offense and the effective date of the editions or amendments to the guidelines. If the specific dates of the offenses cannot be determined, the later date shall be used to determine the applicable edition or amendment of the sentencing guidelines.

(4) 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 the sentencing a statement of the reason or reasons for the sentence imposed. In every case in which a court of record imposes a sentence or resentence **[ outside the guidelines ] in the aggravated or mitigated range, or imposes a sentence that is a departure from the guidelines**, the court shall report the reason or reasons for the deviation from the **standard range of the** guidelines to the Commission.

(b) *Procedures at sentencing.*

(1) **[ Determining ] Determine** the guideline sentence recommendations **for each offense** in the judicial proceeding:

(i) Determine the offense gravity score for each conviction offense as described in § 303a.3 **(relating to offense gravity score)**.

(ii) Determine the corresponding prior record score as described in § 303a.4 **(relating to prior record score)**.

(iii) Determine the **offense-specific [ guideline ]** sentence recommendations **[ for each conviction offense ]** as described in § 303a.5 **(relating to offense-specific sentence recommendations)**.

(2) **[ Consideration of recommendations and imposition of sentence ] Review the offense-specific sentence recommendations and the judicial proceeding considerations prior to the imposition of sentence:**

(i) **[ Consider the standard range ] Offense-specific sentence** recommendations, as provided in § [ **303a.8** ] **303a.5**, **[ and any circumstances that warrant consideration of a sentence in the aggravated or mitigated ranges, or a departure above or below the guidelines ] and aggravating and mitigating circumstances**, as provided in § 303a.6 **(relating to aggravated and mitigated circumstances)**, **shall be considered by the court for every conviction offense.**

(ii) **[ Consider the judicial proceeding recommendations ] Judicial proceeding considerations**, as provided in § 303a.7 **(relating to judicial proceeding**

**considerations)**, **[ including ] addressing** the imposition of concurrent or consecutive sentences and the authorization of any sentencing or correctional programs based on the aggregate sentence, **may be considered by the court when determining the sentence imposed during the judicial proceeding.**

(3) Report the sentence(s) and reasons as required **[ to the Commission via SGS Web ] using the Commission's sentencing guidelines application.**

(c) *Reporting information to the Commission.*

(1) As authorized by 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission) and as required by 42 Pa.C.S. § 9721(b) (relating to sentencing generally), **[ the court ] a court of record** shall submit required guidelines and sentencing information to the Commission for each conviction offense and for the judicial proceeding.

(2) The full submission of data to the Commission, and certification of compliance with guidelines and with the county's intermediate punishment plan for imposing restrictive conditions, is required by **[ Act 2019-114 ] the act of December 18, 2019 (P.L. 771, No. 114)** and 42 Pa.C.S. § 2154.1(b) **[ regarding ] (relating to** adoption of guidelines for restrictive conditions).

(3) Unless otherwise provided by the Commission, the **Commission's JNET-based [ SGS Web ] sentencing guidelines** application shall be used at the court's direction to prepare the guideline sentence form for each conviction offense, and the sentence guideline form for any resentence for a revocation of probation, as provided in **[ 204 Pa. Code ]** Chapters 307 and 307a.

(4) Following imposition of the sentence, a completed guideline sentence form, including the **[ state identification number ]** SID, the sentence imposed, reasons for deviation from the **standard range of the** sentencing guidelines, and all required guidelines and sentencing information for each conviction offense and for the judicial proceeding, shall be made a part of the record, and the information electronically submitted to the Commission using **[ SGS Web ] the Commission's sentencing guidelines application** no later than 30 days after the date of sentencing.

(5) Following revocation of probation and resentencing, a completed guideline sentence form, including the **[ state identification number ]** SID, the resentence imposed, reasons for deviation from the **standard range of the** resentencing guidelines, and all required guidelines and resentencing information, including information from the completed sentence guideline form associated with the initial order of probation, shall be made a part of the record, and the information electronically submitted to the Commission using **[ SGS Web ] the Commission's sentencing guidelines application** no later than 30 days after the date of resentencing.

### § 303a.3. Offense gravity score.

(a) *General provisions.*

(1) The **[ offense gravity score ( [ OGS ] ) ]** measures the seriousness of the current conviction offense and is the primary determinant of the guideline sentence recommendation. An OGS is assigned to each conviction offense, based on the elements of the offense and the classification of the crime. There are 30 general OGS categories, with another **[ six ] eight** OGS categories **[ for assignments limited to murder of the first or second degree ] limited to assignments for murder.**

(2) *Subcategorized offenses.* Certain conviction offenses are subcategorized and may be assigned more than one OGS based on the presence of specific sentencing factors determined by the court at sentencing and/or mandatory minimum sentencing provisions. Subcategorized offenses are included in the offense listings in [ **Tables B1—B3 and Tables D1-D2** ] §§ **303a.9 and 303a.10 (relating to offense listing (OGS/POG assignments); and BUI/DUI offense listing (OGS/POG assignments))** and designated by an asterisk[ [ \* ] ].

(3) Assignments for specific offense categories:

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

(A) [ **Convictions** ] **Except as provided for inchoates to murder, convictions** for attempt, solicitation or conspiracy to commit a Felony 1 offense receive an OGS of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

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

(C) 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 OGS of the offense attempted, solicited or which was the object of the conspiracy.

(ii) *Offenses with classifications associated with underlying offenses.*

(A) Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710 **(relating to ethnic intimidation)**), Terrorism (18 Pa.C.S. § 2717 **(relating to terrorism)**), Ecoterrorism (18 Pa.C.S. § 3311 **(relating to ecoterrorism)**), and other offenses for which the grade is classified one degree higher than the underlying offense are assigned an OGS two points higher than the OGS of the underlying offense but cannot exceed OGS 30.

(B) Convictions for Obstruction of Justice (18 Pa.C.S. § 3016 **(relating to obstruction of justice)**), Unlawful Contact with Minor (18 Pa.C.S. § 6318 **(relating to unlawful contact with minor)**), and other offenses for which the grade is classified the same as an associated or underlying offense are assigned the same OGS as the associated or underlying offense, unless otherwise provided.

(iii) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).*

(A) 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 with the highest OGS.

(B) *Exception for prescription pills.* For violations of [ § 780-113 ] **section 13(a)(12), (a)(14) and (a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act** involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher OGS assignment applies.

(C) *Subcategorization.* OGS assignments for violations of [ § 780-113 ] **section 13(a)(12), (a)(14) and (a)(30) of The Controlled Substance, Drug, Device and Cos-**

**metic Act** are subcategorized based on the type and quantity of the controlled substance, and the statutory maximum of the controlled substance, including the applicability of [ § 780-114 or § 780-115 ] **section 14 or section 15 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-114 or § 780-115).**

(4) *Omnibus offense gravity score.* The omnibus OGS, **as provided in § 303a.11 (relating to omnibus OGS tables)**, is assigned based on the grade of the conviction offense **and/or a mandatory minimum requirement**, and applies to any offense not listed in [ **Tables B1—B3 or Tables D1-D2** ] § **303a.9 or § 303a.10**, [ , and as ] **As** provided below, the **omnibus OGS** may apply to new or amended sections of statute enacted by the General Assembly.

(i) [ **The omnibus OGS assignments are as follows:**

(A) **Felony 1 (statutory maximum greater than 20 years) OGS 22**

(B) **Felony 1 OGS 14**

(C) **Felony 2 OGS 11**

(D) **Felony 3 and unclassified felonies OGS 9**

(E) **Misdemeanor 1 OGS 7**

(F) **Misdemeanor 2 OGS 4**

(G) **Misdemeanor 3 and unclassified misdemeanors OGS 2** ]

**Three omnibus OGS tables are provided in § 303a.11:**

(A) **303a.11(a) General omnibus OGS assignments.**

(B) **303a.11(b) BUI omnibus OGS assignments, relating to operating watercraft under the influence.**

(C) **303a.11(c) DUI omnibus OGS assignments, relating to driving under the influence.**

(ii) For an addition of a new subsection of statute:

(A) The lowest OGS assigned within the section based on the grade or statutory maximum of the offense shall apply to the new subsection.

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

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

(iii) For an amendment to an existing section of statute:

(A) When the definition of an offense listed in [ **Tables B1—B3** ] § **303a.9 or § 303a.10** is changed, the previously assigned OGS shall apply.

(B) When the grade, **mandatory minimum sentence requirement**, or statutory maximum of a subsection listed in [ **Tables B1—B3** ] § **303a.9 or § 303a.10** has increased, the omnibus OGS shall apply, unless the previously assigned OGS is higher.

(C) When the grade, **mandatory minimum sentence requirement**, or statutory maximum of a subsection listed in [ **Tables B1—B3** ] § **303a.9 or § 303a.10** has decreased, the omnibus OGS shall apply, unless the previously assigned OGS is lower.

(b) *Enhancements.*

(1) Enhancements, as provided in § 303a.12 (relating to OGS enhancements table), are increases to the initial OGS assignment that apply when a court determines one or more specified sentencing factors were present during the commission of the crime. The application of an enhancement is determined by the court at sentencing, based on a preponderance of the evidence. Sentence enhancements may be mandated by statute or established by the Commission.

(i) General enhancements, as provided in paragraph (5), apply to all offenses unless otherwise provided.

(ii) Offense-specific enhancements, as provided in paragraph (6) relating to Crimes Code enhancements and paragraph (7) relating to Vehicle Code enhancements, are limited to designated offenses.

(2) Enhancements are included in guideline sentence recommendations through two approaches:

(i) Subcategorization, in which one or more sentencing factors identified for enhancement are included in the OGS assignment in [ Tables B1—B3 ] §§ 303a.9 and 303a.10; subcategorized offenses are designated with an asterisk [ and/or ].

(ii) Adjustment, in which the OGS assignment in [ Tables B1—B3 ] §§ 303a.9 and 303a.10 is increased when it is determined that one or more sentencing factors identified for enhancement were present during the commission of the crime. Offenses subject to an enhancement through adjustment are designated E in the Enhancement column in §§ 303a.9 and 303a.10.

(3) An enhancement shall apply to each conviction offense for which the court determines the sentencing factor is present, unless the sentencing factor is an element of the crime or a sentencing factor considered in the OGS assignment, or the sentencing factor has been applied through another enhancement. The OGS may not exceed OGS 30 based on an enhancement adjustment. [ An enhancement may apply generally to any offense or a category of offenses or may be limited to specified offenses. ] Enhancement adjustments do not apply to offenses assigned to Level G or Level H, and the OGS may not exceed OGS 30 based on an enhancement adjustment.

(4) Omnibus enhancement. The omnibus enhancement shall apply to a new sentencing enhancement enacted by the General Assembly and not otherwise provided in this section or in § 303a.12. The OGS assignments, as provided in §§ 303a.9, 303a.10 and 303a.11, shall be increased by one point when it is determined by the court that one or more sentencing factors identified in the new sentencing enhancement was present during the commission of the crime.

[ (4) ] (5) *Descriptions of general enhancements.*

(i) Deadly weapon enhancement, as provided in 42 Pa.C.S. § 2154(b)(3) (relating to adoption of guidelines for sentencing).

(A) *Deadly weapon possessed.* When the court determines that the person possessed a deadly weapon during the commission of the current conviction offense, the court shall adjust the OGS as provided in [ Table C ] § 303a.12. The person has possessed a deadly weapon if

the deadly weapon was on the person's person or within the person's immediate physical control.

(B) *Deadly weapon used.* When the court determines that the person used a deadly weapon during the commission of the current conviction offense, the court shall adjust the OGS as provided in [ Table C ] § 303a.12. The person has used a deadly weapon if a deadly weapon was employed by the person in a way that threatened or injured another person.

(C) The deadly weapon enhancements shall not apply to the following offenses:

(I) 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(II) 18 Pa.C.S. § 908 (relating to prohibited offensive weapons).

(III) 18 Pa.C.S. § 912 (relating to possession of weapon on school property).

(IV) 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility).

(V) 18 Pa.C.S. § 2701(a)(2) (relating to simple assault [ with deadly weapon ]).

(VI) 18 Pa.C.S. § 2702(a)(4) (relating to aggravated assault [ with deadly weapon ]).

(VII) Any offense assigned to Level G or Level H in the sentencing guidelines.

(VIII) Any offense for which possession of a deadly weapon is an element of the statutory definition, including theft when property stolen is a firearm and any violation of the Pennsylvania Uniform Firearms Act of 1995.

(ii) [ School/Youth ] School zone drug enhancement, as provided in 42 Pa.C.S. § 2154(b)(3).

(A) [ The school/youth drug enhancement applies when ] When the court determines that the person [ : distributed a controlled substance to a person or persons under 18 years of age and/or ] manufactured, delivered, or possessed with intent to deliver a controlled substance within a school zone [ . When the court determines one or both sentencing factors were present ], the court shall adjust the OGS as provided in [ Table C ] § 303a.12.

(B) The enhancement only applies to violations of [ 35 P.S. § 780-113 ] section 13(a)(14) and (a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act.

(iii) Criminal gang enhancement, as required by 42 Pa.C.S. § 9720.4 (relating to sentencing for offenses committed in association with a criminal gang).

(A) When the court determines that the person committed murder in the third degree in association with a criminal gang, the court shall consider the enhanced sentence recommendations provided in § 303a.9. When the court determines that the person committed [ a ] any other crime of violence in association with a criminal gang, the court shall adjust the OGS as provided in [ Table C ] § 303a.12.

(B) When the court determines that the person committed a violation of [ 35 P.S. § 780-113 ] section 13(a)(30) of The Controlled Substance, Drug, Device and Cosmetic Act in association with a criminal gang, the court shall adjust the OGS as provided in [ Table C ] § 303a.12.

(C) The criminal gang enhancement shall apply to each violation which meets the criteria [ **above** ] described in **subparagraph (A) or subparagraph (B)**.

(iv) Domestic violence enhancement, as required by 42 Pa.C.S. § 9720.8 (**relating to sentencing for offenses involving domestic violence in the presence of a minor**).

(A) **When the court determines that the person committed murder in the third degree against a family or household member as defined in 23 Pa.C.S. § 6102 (relating to definitions), the court shall consider the enhanced sentence recommendations provided in § 303a.9.** When the court determines that the person committed [ **an** ] **any other** offense under 18 Pa.C.S. Chapters 25, 27, 29, 30, 31 or 49, **or an attempt, solicitation, or conspiracy to commit any of these offenses**, against a family or household member as defined in 23 Pa.C.S. § 6102, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**.

(B) When the court further determines that a person knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the person or the victim, the court shall consider ordering the person to pay the costs or fees associated with the assessment and treatment of the minor for exposure to domestic violence.

[ **(5)** ] **(6)** *Descriptions of crimes code enhancements.*

(i) Third degree murder of a victim younger than age 13 enhancement, as required by 42 Pa.C.S. § 9711.1 (**relating to sentencing for certain murders of infant persons**). When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) (**relating to murder**) was less than 13 years of age at the time of the offense, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

(ii) Causing or aiding suicide enhancement, as required by 18 Pa.C.S. § 2505(c) (**relating to causing or aiding suicide**). When the court determines the person who died by suicide or was aided or solicited to die by suicide was under 18 years of age and has an intellectual disability or autism spectrum disorder, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

(iii) Trafficking in individuals and involuntary servitude enhancement, as required by 18 Pa.C.S. § 3024 (**relating to sentencing**). When the court determines that the person violated 18 Pa.C.S. § 3011 (relating to trafficking in individuals) or § 3012 (relating to involuntary servitude) and any of the following factors were present, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**:

(A) The person committed a violation involving sexual servitude; or

(B) The victim was a minor less than 18 years of age; or

(C) The victim was a minor less than 13 years of age; or

(D) In the course of committing a violation, the person also violated one or more of the following offenses:

(I) 18 Pa.C.S. § 2901 (relating to kidnapping); or

(II) 18 Pa.C.S. § 3121 (relating to rape); or

(III) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(iv) Sexual extortion, as required by 18 Pa.C.S. § 3133(e) (**relating to sexual extortion**).

(A) When the court determines that the person violated 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, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

(B) When the court determines that the person violated 18 Pa.C.S. § 3133 [ (**relating to sexual extortion**) ] and the complainant attempts suicide resulting in serious bodily injury or dies by suicide, within 90 days of the commission of the offense, as a proximate result of the trauma that the complainant experienced during or following the commission of the offense, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**.

(v) Arson enhancement, as required by 42 Pa.C.S. § 9720.6 (**relating to sentencing for arson offenses**).

(A) When the court determines that one or more of the following factors relating to arson **or aggravated arson** as defined in 18 Pa.C.S. § 3301 (**relating to arson and related offenses**) are present, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**:

(I) Bodily injury results to a firefighter, police officer or person actively engaged in fighting the fire; or

(II) Serious bodily injury results to a civilian.

(B) When the court determines that one or more of the following factors relating to arson **or aggravated arson** as defined in 18 Pa.C.S. § 3301 are present, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**:

(I) More than three persons were present inside the property at the time of the offense; or

(II) The fire caused more than \$1[ **,000,000** ] **million** 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).

(vi) Burglary enhancement, as required by 18 Pa.C.S. § 3502(d.1) (**relating to burglary**) and 42 Pa.C.S. § 9720.7 (**relating to sentencing for burglary**).

(A) When the court determines that the person violated 18 Pa.C.S. § 3502(a)(1)(i) [ (**relating to burglary**) ], regarding burglary of a structure adapted for overnight accommodations in which at the time of the offense any person is present and the person commits, attempts or threatens to commit a bodily injury therein, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

(B) When the court determines that the person violated 18 Pa.C.S. § 3502 [ (**relating to burglary**) ] and a domestic animal was harmed or killed in the course of the burglary, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**.

(vii) **Criminal trespass enhancement, as required by 18 Pa.C.S. § 3503(c.2) (relating to criminal trespass) and 42 Pa.C.S. § 9720.7.**

**(A) When the court determines that the person violated 18 Pa.C.S. § 3503 (relating to criminal trespass) and a domestic animal was harmed or killed in the course of the criminal trespass, the court shall adjust the OGS as provided in § 303a.12.**

**(viii)** Robbery of motor vehicle enhancement, as required by 18 Pa.C.S. § 3702(b) **(relating to robbery of motor vehicle)**. When the court determines that the person violated 18 Pa.C.S. § 3702 [ **(relating to robbery of motor vehicle)** ], the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

[ **(viii)** ] **(ix)** Person not to possess, use, manufacture, control, sell or transfer firearms enhancement, as required by 18 Pa.C.S. § 6105(a.1)(1.1)(ii) **(relating to person not to possess, use, manufacture, control, sell or transfer firearms)**. When the court determines that the person violated 18 Pa.C.S. § 6105(a)(1) [ **(relating to person not to possess, use, manufacture, control, sell or transfer firearms)** ], regarding person not to possess a firearm; conviction for enumerated felony or drug felony, and was previously convicted or was in physical possession or control of a firearm, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

[ **(ix)** ] **(x)** Sexual abuse of children enhancement, as required by 42 Pa.C.S. § 9720.5 **(relating to sentencing for offenses involving sexual abuse of children)**.

(A) When the court determines that the person violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that indecent contact with a child is depicted and the child depicted is under 10 years of age or prepubescent, the court shall consider the enhanced sentence recommendations provided in [ **Tables B1—B3** ] § **303a.9**.

(B) When the court determines that the person violated 18 Pa.C.S. § 6312 [ **(relating to sexual abuse of children)** ] and that the person possessed more than 50 images, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**. 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.

(C) When the court determines that the person violated 18 Pa.C.S. § 6312 [ **(relating to sexual abuse of children)** ] and that the abuse depicted in the images possessed by the person are of a sexual or violent nature or character, the court shall adjust the OGS as provided in [ **Table C** ] § **303a.12**. This enhancement shall apply to any image possessed by the person which portrays or contains any of the following:

(I) The bondage of a child; or

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

(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).

**(D) When the court determines that the person violated 18 Pa.C.S. § 6312 and that the child is known to the person, the court shall adjust the OGS as provided in § 303a.12.**

**(E)** Sexual abuse of children enhancement shall apply to each violation which meets the criteria above.

[ **(6)** ] **(7)** *Descriptions of vehicle code enhancements.*

(i) Homicide by vehicle enhancements, as provided in 42 Pa.C.S. § 2154(b)(3) and required by 75 Pa.C.S. § 3732 **(relating to homicide by vehicle)**. When the court determines that the person violated 75 Pa.C.S. § 3732 [ **(relating to homicide by vehicle)** ] and that one or more of the following sentencing factors are present, the court shall consider the enhanced sentence recommendations as provided in [ **Tables B1—B3** ] § **303a.9**:

(A) *Category A*: violation of 75 Pa.C.S. § 3802 [ **(relating to driving under the influence)** ] or 75 Pa.C.S. § 3316 (relating to prohibiting text-based communications).

(B) *Category B*: violation of 75 Pa.C.S. § 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors), 75 Pa.C.S. § 3325 (relating to duty of driver on approach of emergency vehicle), or 75 Pa.C.S. § 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles).

(C) *Category C*: violation of 75 Pa.C.S. § 1501 (relating to drivers required to be licensed) or 75 Pa.C.S. § 1543 (relating to driving while operating privilege is suspended or revoked).

(ii) Aggravated assault by vehicle enhancements, as provided in 42 Pa.C.S. § 2154(b)(3) and required by 75 Pa.C.S. § 3732.1 **(relating to aggravated assault by vehicle)**. When the court determines that the person violated 75 Pa.C.S. § 3732.1 [ **(relating to aggravated assault by vehicle)** ] and that one or more of the following sentencing factors are present, the court shall consider the enhanced sentence recommendations as provided in [ **Tables B1—B3** ] § **303a.9**:

(A) *Category A*: violation of 75 Pa.C.S. § 3802 [ **(relating to driving under the influence)** ] or 75 Pa.C.S. § 3316 [ **(relating to prohibiting text-based communications)** ].

(B) *Category B*: violation of 75 Pa.C.S. § 3326 [ **(relating to duty of driver in construction and maintenance areas or on highway safety corridors)** ], 75 Pa.C.S. § 3325 [ **(relating to duty of driver on approach of emergency vehicle)** ], or 75 Pa.C.S. § 3327 [ **(relating to duty of driver in emergency response areas and in relation to disabled vehicles)** ].

(C) *Category C*: violation of 75 Pa.C.S. § 1501 [ **(relating to drivers required to be licensed)** ] or 75 Pa.C.S. § 1543 [ **(relating to driving while operating privilege is suspended or revoked)** ].

(iii) Accidents involving death enhancement, as provided in 75 Pa.C.S. § 3742(b)(3)(ii) **(relating to accidents involving death or personal injury)**. When the court determines that the person violated 75 Pa.C.S. § 3742 [ **(relating to accidents involving death or**

personal injury) ] and the victim dies, the court shall consider the enhanced sentence recommendations as provided in [ **Tables B1—B3** ] § **303a.9**.

(iv) Driving under the influence of alcohol or controlled substance enhancement, as required by 75 Pa.C.S. § [ **3732** ] **3804(c.3) (relating to penalties)**. When the court determines that the person violated 75 Pa.C.S. § 3802(a)(1) where the person refused testing of breath or chemical testing or 75 Pa.C.S. § 3802(c) or (d) and where the person has four or more prior offenses, the court shall consider the enhanced sentence recommendations as provided in [ **Tables B1—B3** ] § **303a.10**.

(c) *Mandatory sentencing provisions.*

(1) 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.

(2) For mandatory sentencing provisions provided for in [ **Title** ] 30[ , ] Pa.C.S. Chapter 55 (relating to operation of boats) and in [ **Title** ] 75[ , **Section** ] Pa.C.S. § 1543(b) [ **(relating to driving while operating privilege is suspended or revoked)** ], Chapter 37[ - ] **Subchapter B** (relating to serious traffic offenses), Chapter 37[ - ] **Subchapter C** (relating to accidents and accident reports), and Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs), the court shall consider the OGS assignments as provided in [ **Tables D1-D2** ] §§ **303a.9 and 303a.10. Offenses subject to mandatory penalties are designated M in the Mandatory/Enhancement column in § 303a.9; all offenses listed in § 303a.10 are subject to mandatory penalties.**

(3) Mandatory sentences for which restrictive DUI probation conditions (42 Pa.C.S. § 9763(c) **(relating to conditions of probation)**) are authorized.

(i) The court shall consider the **offense-specific** sentence recommendations for a person convicted under 75 Pa.C.S. § 1543(b) [ **(relating to driving while operating privilege is suspended or revoked)** ], former 75 Pa.C.S. § 3731 (relating 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 [ **(relating to driving after imbibing alcohol or utilizing drugs)** ].

(ii) The court may use restrictive DUI probation conditions or a combination of confinement and restrictive DUI probation conditions to satisfy the mandatory minimum requirement as provided by law.

#### § 303a.4. Prior record score.

(a) *General provisions.*

(1) The [ **prior record score ( [PRS[ ] )** ] is a measure of a person's criminal history, reflecting the number and seriousness of certain previous juvenile adjudications and adult convictions. The PRS addresses the greater culpability and risk to reoffend of repeat offenders. There are five PRS categories (PRS 0—PRS 4).

(2) The PRS is determined by identifying the most serious offense for which a person was adjudicated or

convicted prior to the commission of the current offense, and then considering the number of previous adjudications or convictions of equal seriousness.

(3) [ **Prior offense groups ( [POG[ ] )s, as provided in § 303a.13(a) (relating to POG/PRS tables),** distinguish the seriousness of previous adjudications and convictions [ **and are defined in paragraph (b)** ] **as described below. [ Certain previous adjudication and conviction offenses may be removed from consideration in the prior offense groups following prescribed periods of decay or gap, as described in paragraph (c).** ]

(i) **POG1 includes all misdemeanors, unless designated as serious crimes.**

(ii) **POG2 includes all felonies of the third degree and all unclassified felonies, unless designated as serious crimes.**

(iii) **POG3 includes all serious crimes, defined as:**

(A) **All felonies of the first and second degree, unless designated as crimes of violence.**

(B) **All felonies of the third degree and misdemeanors of the first degree if:**

(I) **18 Pa.C.S. Article B Chapters 25—32.**

(II) **18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act of 1995).**

(III) **42 Pa.C.S. § 9799.14 (relating to sexual offenses)**

(iv) **POG4 includes all crimes of violence (42 Pa.C.S. § 9714(g)) (relating to sentences for second and subsequent offenses).**

(4) **Certain previous adjudication and conviction offenses may be removed from consideration in the prior offense groups following prescribed periods of decay or gap, as described in paragraph (c).**

(b) *Procedure for identifying previous offenses.*

(1) Identify prior offenses for which the person was adjudicated delinquent or convicted prior to the date of the current offense. The prosecution has the burden of proof in determining previous adjudications and convictions based on a preponderance of the evidence.

(2) Juvenile adjudications—consider **only** the most serious offense for which the person was adjudicated delinquent from each **prior juvenile** disposition hearing that meets the following criteria:

[ (i) **person 16 years of age or older at the time of the offense.**

(ii) **There was an express finding by the juvenile court that the adjudication was for a felony or a misdemeanor of the first degree (exclude consideration of all lesser offenses).** ]

(i) **the juvenile offense occurred on or after the person's 14th birthday but prior to the person's 16th birthday and there was an express finding by the juvenile court that the adjudication was for a POG4 offense; or**

(ii) **the juvenile offense occurred on or after the person's 16th birthday and there was an express finding by the juvenile court that the adjudication was for a POG2, POG3 or POG4 offense.**

(3) Adult convictions (including juvenile transfers)—consider every offense for which the person was convicted. [ **For former Pennsylvania offenses and out-of-state offenses:**

(i) Determine the current equivalent Pennsylvania offense.

(ii) Determine the current equivalent grade of this offense. ]

(4) Excluded prior offenses.

(i) Exclude prior adjudications or convictions for offenses that contribute to an increase in the grade or maximum penalty of a subsequent adjudication or conviction.

(ii) Prior DUI convictions shall not be considered in determining the PRS for any DUI sentence recommendation.

[ (ii) ] (iii) Exclude lapsed previous adjudication and conviction offenses as set forth in paragraph [ (d) ] (c).

(5) Determine the seriousness of previous adjudications and convictions based on the [ following groups: ] prior offense groups (POG).

[ (i) POG1 includes all misdemeanors, unless designated as serious crimes.

(ii) POG2 includes all felonies of the third degree and all unclassified felonies, unless designated as serious crimes.

(iii) POG3 includes all serious crimes, defined as:

(A) All felonies of the first and second degree, unless designated as crimes of violence.

(B) All felonies of the third degree and misdemeanors of the first degree if:

(I) 18 Pa.C.S. Article B (Chapters 25—32)

(II) 18 Pa.C.S. Chapter 61-A (Uniform Firearms Act)

(III) 42 Pa.C.S. § 9799.14 (sexual offenses)

(iv) POG4 includes all crimes of violence (42 Pa.C.S. § 9714(g)). ]

(c) *Lapsing of previous offenses.*

(1) Exclude prior adjudications or convictions for offenses as set forth below. [ **The burden of proof is on the person, based on a preponderance of the evidence.** ]

(2) *Juvenile adjudications:*

(i) [ **At 21 years of age (decay), remove prior adjudications for misdemeanor offenses (POG1), unless designated as a serious crime.**

(ii) ] At 25 years of age [ (decay) ], remove prior adjudications (decay) for [ **felony offenses (POG2), unless designated as a serious crime or crime of violence** ] POG2 offenses.

[ (iii) ] (ii) Following completion of a 10-year crime-free period since the last adjudication or conviction (gap) [ , ]:

(A) remove prior adjudications for [ **misdemeanor and felony offenses (POG3), unless designated a crime of violence** ] POG3 offenses.

(B) remove prior adjudications for POG4 offenses by persons 14 years of age or older but less than 16 years of age at the time of the juvenile offense.

[ (iv) ] (iii) Following completion of a 15-year crime-free period since the last adjudication or conviction (gap), remove prior adjudications for [ **offenses (POG4) designated crimes of violence** ] POG4 offenses by persons 16 years of age or older at the time of the juvenile offense.

(3) *Adult convictions:*

(i) Following completion of [ **15** ] **10** years since the conviction date of the offense (decay), remove prior convictions for [ **misdemeanor offenses (POG1), unless designated a serious crime** ] POG1 offenses.

(ii) Following completion of a 15-year crime-free period since release from confinement (gap), remove prior convictions for [ **misdemeanor or felony offenses (POG2, POG3), unless designated a crime of violence** ] POG2 and POG3 offenses.

(iii) Following completion of a 25-year crime-free period since release from confinement (gap), remove prior convictions for [ **offenses (POG4) designated crimes of violence** ] POG4 offenses.

(d) *Procedure for determining the prior record score category.*

(1) Based on the offenses identified and excluding those removed through lapsing, select the prior offense group based on the most serious prior adjudication or conviction offense.

(2) [ **Next, count** ] Count the number of prior adjudication or conviction offenses contained in that prior offense group.

[ (2) ] (3) Determine the PRS category based on the [ **prior offense group and** ] number of previous adjudications and convictions in the prior offense group, as provided in [ **Table E** ] § **303a.13**:

(i) *PRS 4 [ (REVOC) ]*. The category includes offense-specific sentence recommendations that [ **include** ] contain the statutory limit at Level [ **D** ] **E** and higher, with the category defined by two or more previous crimes of violence.

(ii) *PRS 3*. The category includes offense-specific sentence recommendations of confinement that are generally no more than double the base recommendation, with the category defined by:

(A) One previous crime of violence; or

(B) Two or more previous serious crimes; or

(C) Three or more previous felonies (excluding crimes of violence and serious crimes).

(iii) *PRS 2*. The category is defined by:

(A) One previous serious offense; or

(B) No more than two previous felonies (excluding crimes of violence and serious crimes); or

(C) Three or more previous misdemeanors (excluding serious crimes).

(iv) *PRS 1*. The category is defined by:

(A) No more than two previous misdemeanors (excluding serious crimes).

(v) *PRS 0*. The category includes offense-specific sentence recommendations that serve as the base recommendations, with the category defined by:

- (A) No previous adjudications or convictions; or
- (B) Previous adjudications or convictions that have lapsed.

(e) *Miscellaneous provisions.*

(1) *Adequacy of prior record score.* The court may consider at the time of sentencing prior adjudications or convictions not counted in the calculation of the PRS, including lapsed offenses, and other factors deemed appropriate by the court.

(2) When a previous adjudication or conviction offense was committed over a range of dates, the later date shall be used to determine if the prior offense meets the criteria in paragraph (b)(1) for determining the PRS.

(3) Unless otherwise provided, the classification of a previous adjudication or conviction for an inchoate offense or an offense with classification associated with an associated or underlying offense is used to determine the prior offense group.

(4) When a previous adjudication or conviction offense was misclassified, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(5) *Former Pennsylvania offenses.*

(i) For a previous adjudication or conviction offense under a former Pennsylvania law, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(ii) *Incomplete information.*

(A) When there is no current equivalent Pennsylvania offense, the classification of the previous adjudication or conviction offense is used to determine the prior offense group.

(B) When the previous adjudication or conviction offense was a felony, but the grade of the felony is unknown, it shall be treated as a felony of the third degree. When the previous adjudication or conviction offense was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as a misdemeanor of the third degree.

(C) When the classification of the previous adjudication or conviction offense cannot be determined, it shall be treated as a misdemeanor of the third degree.

(D) When the previous adjudication or conviction is for an offense which includes a summary classification, and the classification of the previous adjudication or conviction offense is unknown, it shall not be included in the PRS.

(6) *Out-of-State, Federal or foreign offenses.*

(i) For a previous adjudication or conviction for an out-of-State, Federal or foreign offense, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(ii) For a court-martial for a criminal offense under the Uniform Code of Military Justice, which is considered a Federal conviction, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(iii) Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be included in the PRS.

(iv) When there is no current equivalent Pennsylvania offense, the classification of the previous adjudication or

conviction offense, based on the maximum sentence [ **permitted** ] **authorized for the out-of-State, Federal or foreign offense**, is used to determine the prior offense group.

(7) *Excluded offenses, charges, and convictions.* The following types of offenses, charges, and convictions shall not be scored in the PRS:

(i) 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 **234 Pa. Code** Chapter 3 (relating to accelerated rehabilitative disposition), **section 17 of The Controlled Substance, Drug, Device and Cosmetic Act** (35 P.S. § 780-117) **regarding probation without verdict** or **section 18 of The Controlled Substance, Drug, Device and Cosmetic Act** (35 P.S. § 780-118) **regarding disposition in lieu of trial or criminal punishment.**

(ii) A charge which is nolle prosequi, dismissed, or on which a demurrer is sustained.

[ (iii) **Any prior conviction which contributed to an increase in the grade of a subsequent conviction.** ]

§ 303a.5. [ **Guideline** ] **Offense-specific** sentence recommendations.

(a) *General provisions.*

(1) In writing the sentencing guidelines, the Commission strives to provide a [ **benchmark** ] **framework** for the judges of Pennsylvania. The guidelines serve as a common starting point at sentencing, with a standard range of **offense-specific sentence** recommendations for the typical circumstances, based on the seriousness of the conviction offense and the consideration of relevant criminal history and criminal behavior of the person. As required by statute, aggravated and mitigated ranges are included to support the exercise of discretion when other circumstances are present[ , and adjustments to the guidelines are incorporated to address factors that may increase or decrease risk to public safety ] .

(2) Through the establishment of sentencing levels, the sentencing guidelines are anchored to the purposes of sentencing and to the authorized dispositions provided in statute. Within these levels, [ **a specific guideline** ] **an offense-specific** sentence recommendation is provided for each conviction offense, based on the combination of OGS and PRS, intended to promote uniformity and proportionality. [ **General guideline sentence recommendations are provided for the aggregation of multiple sentences imposed during judicial proceedings, intended to promote greater consistency in the use of concurrent or consecutive sentences, and to encourage the consideration of various sentencing and correctional programs.** ] “The guidelines were designed to bring greater rationality and consistency to sentences and to eliminate unwarranted disparity in sentencing.” *Commonwealth v. Mouzon*, 812 A.2d 617 (Pa., 2002).

(3) While courts are required to consider the **offense-specific sentence** recommendations, Pennsylvania’s sentencing guidelines are advisory, and courts are required to individualize sentences. “Guidelines serve the laudatory role of aiding and enhancing the judicial exercise of judgement regarding case-specific sentencing. Guidelines may help frame the 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, rather than require a particular sentence.” *Commonwealth v. Walls* (926 A.2d 957) (Pa., 2007).

(b) *Purposes of sentencing.*

(1) As provided in the Model Penal Code: Sentencing (Model Penal Code § 1.02(2)), the general purposes in decisions affecting the sentencing of persons include:

(i) To render sentences in all cases within a range of severity proportionate to the gravity of offenses, the harm done to victims, and the blameworthiness of persons; and

(ii) When reasonably feasible, to achieve person rehabilitation, general deterrence, incapacitation of dangerous persons, restitution to crimes victims, preservation of families, and reintegration of persons into the law-abiding community, provided these goals are pursued within the boundaries of proportionality.

(2) The sentencing guidelines provide a system with a primary focus on retribution, but one which allows for the fulfillment of other utilitarian sentencing purposes, including person rehabilitation, general deterrence, incapacitation to protect the public, and victim restoration.

(3) While the 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:

(i) Mandatory minimum sentencing provisions, which when applicable supersede the [ **sentencing guidelines** ] **offense-specific sentence** recommendations.

(ii) Diagnostic evaluations of dependency on alcohol and other drugs and clinically prescribed treatment.

(iii) 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.

(c) *Sentencing levels and [ **standard range** ] **offense-specific sentence** recommendations.*

(1) Eight sentencing levels are associated with [ **recommended** ] **standard range recommendations** for dispositions and durations, to allow for more consistent consideration of the authorized sentencing alternatives, and to address mandates related to the adoption of guidelines for probation, the use of restrictive conditions, and fines and community service. This also allows for the consideration of the risk and needs of the person, and for the use of sentencing and correctional programs.

(i) The sentencing levels increase in severity from restorative sanctions (Level A) to total confinement in a State facility (Level D through Level H, depending on the duration of the recommendation).

(ii) Consistent with retribution as the primary purpose of the guidelines, the increases in the severity of the recommendations are proportionate with increases in the seriousness of the offenses and the extent of the criminal history. The sentencing levels provide a rational basis for the consideration of both retributive and utilitarian purposes of sentencing.

(2) *Standard range recommendations*

(i) Standard range recommendations, based on each combination of the OGS, assigned pursuant to § 303a.3 (**relating to offense gravity score**), and the PRS, determined pursuant to § 303a.4 (**relating to prior**

**record score**), are provided in the [ **Sentencing Matrix** ] **sentencing matrix**, located at [ § 303a.8 ] § 303a.14 (**relating to sentencing matrix**). The standard range serves as a common starting point for sentencing and includes **offense-specific** sentence recommendations that apply to typical circumstances.

(ii) The standard range include specific recommendations, consistent with the sentencing level, that address the disposition and duration of a sentence, as well as the intensity of community supervision and the consideration of sentencing programs and are intended to promote uniformity and proportionality of sentencing.

(iii) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. §§ 1103 **and 1104** (relating to sentence of imprisonment for felony[ ]) **and § 1104 (relating to )**; **and** sentence of imprisonment for misdemeanors), the guideline sentence recommendation is capped at the statutory limit. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum period allowed by law.

(iv) Treatment alternatives, including medically assisted treatment and behavioral therapies when clinically appropriate, may be considered to address substance use [ **or** ], behavioral health issues, **or developmental disorders or disability**. The specialized jurisdiction of problem-solving courts, as authorized by 42 Pa.C.S. § 916 (relating to problem-solving courts), provide an avenue for the use of court-supervised individualized treatment programs and services. Other treatment programs, such as those described in § 303a.1(c) (relating to preliminary provisions), may be considered:

(A) Probation with restrictive conditions, including the use of [ **the use of** ] clinically prescribed treatment, may be considered for eligible persons in lieu of recommendations for confinement in a county facility.

(B) Restrictive DUI probation conditions may be used to satisfy the mandatory minimum sentencing requirements for eligible persons.

(C) Persons committed to the Department may be recommended or made eligible by the court for certain correctional programs, including the State motivational boot camp program and the State drug treatment program.

(3) The sentencing levels and related standard range **offense-specific sentence** recommendations are described below:

(i) Level A, generally limited to restorative sanctions recommendations.

(A) The guidelines [ **encourage** ] **recommend** consideration of the use of restorative sanctions, including **restitution, fines, community service, [ economic sanctions ]** or other authorized sanctions not requiring probation or confinement **or limited to administrative probation**. The use of restorative sanctions at this level, with a focus on reparations and restorative justice, supports the utilitarian purpose of restoration.

(B) Restorative sanctions recommendations [ **may be satisfied by the following** ] **include non-confinement and limited supervision alternatives such as:**

(I) Guilt without further penalty when the court determines probation would be appropriate but unnecessary.

(II) A fine, within the limits provided by law, or any amount equal to double the pecuniary gain derived from the offense by the person, or the use of community service as a non-monetary alternative, as a restorative sanction may be ordered as a **[ restorative sanction without probation or confinement ] direct sentence or as a condition of administrative probation, subject to the defendant's ability to pay.** The fines/community service guidelines, included with each guideline sentence recommendation, provide a range of recommended community service hours; the comparable fine is determined by multiplying the number of hours recommended by the person's hourly wage, or by the current minimum wage.

(III) *Restitution as a mandatory requirement.* The court is required to order the person to compensate the victim for damage or injury sustained because of the offense. Restitution as a restorative sanction may be ordered **[ without probation or confinement. ] as a direct sentence, or upon consideration of the defendant's ability to pay, as a condition of administrative probation.**

(IV) **[ Costs as a mandatory requirement. The court is required to order the person to pay costs. Costs as a restorative sanction may be ordered without probation or confinement.**

(V) **Probation ] Administrative probation** in limited circumstances as necessary to fulfill court-ordered obligations **for a period not to exceed six months.**

(ii) Level B, limited to probation recommendations.

(A) The guidelines **[ encourage ] recommend** consideration of the use of probation to provide community supervision with the minimal control necessary to fulfill court-ordered obligations. The use of probation at this level, with consideration of restorative sanctions, supports the utilitarian purposes of rehabilitation and restoration.

(B) Probation recommendations include:

(I) The use of **general** probation, not to exceed two years and as provided, with general conditions; and the consideration of fines/community service or other restorative sanctions as general conditions of **general** probation.

(II) The use of probation, not to exceed two years and as designated, with restrictive conditions for a period less than three months and as designated (RC) for persons with greater criminal history, to increase the intensity of supervision and services; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(iii) Level C, limited to confinement in a county facility, while providing for the use of probation with restrictive conditions as an alternative when eligible and appropriate.

(A) The guidelines **[ encourage the ] recommend** consideration of confinement in a county facility, or an equivalent period of restrictive conditions of probation, with the court retaining jurisdiction of the case. The use of county confinement with the court authorized to consider county programs and county parole, or in the alternative, the court having the discretion to use probation with restrictive conditions to provide community supervision and/or treatment, supports multiple utilitarian purposes including deterrence, rehabilitation, and restoration.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a county facility, with a minimum term less than 12 months and as designated, and a maximum term of less than 24 months; with the court authorized to consider a county reentry program or partial release program as provided in § 303a.1(c), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates).

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(C) Probation with restrictive conditions recommendations include:

(I) Consideration of the eligibility requirements, as provided in § 303a.1(c), for the use of county intermediate punishment programs as restrictive conditions of probation.

(II) The use of probation, not to exceed two years and as designated, with restrictive conditions for a period less than 12 months and as designated (RC) for persons with greater criminal history, to increase the intensity of supervision and services; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended period of restrictive conditions.

(iv) Level D, while recommending confinement in a State facility, provides for confinement in a county facility when authorized by statute or the use of probation with restrictive conditions when eligible and appropriate.

(A) The guidelines **[ encourage the ] recommend** consideration of confinement in a State facility with consideration of certain correctional programs; or if authorized by statute, confinement in a county facility, with the court authorized to consider county programs and county parole; or the use of probation with restrictive conditions as an alternative to or in combination with confinement in a county facility to provide community supervision and/or treatment. The use of confinement, with consideration of sentencing and correctional programs, supports multiple utilitarian purposes including incapacitation, deterrence, rehabilitation, and restoration.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term of 12 months or more but less than 30 months and as provided in 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement), and a maximum term of less than 60 months; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) The use of confinement in a county facility, with a minimum term of 12 months or more but less than 30

months and as provided in 42 Pa.C.S. § 9762 [ **(relating to sentencing proceeding; place of confinement)** ], and a maximum term of less than 60 months; with the court authorized to consider a county reentry program or partial release program as provided in § 303a.1(c), and county parole pursuant to 42 Pa.C.S. § 9776 [ **(relating to judicial power to release inmates)** ].

(IV) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

[ **(C) Probation with restrictive conditions recommendations include:**

(I) **Consideration of the eligibility requirements, as provided in § 303a.1(d), for the use of county intermediate punishment programs as restrictive conditions of probation.**

(II) **The use of probation, not to exceed two years, with restrictive conditions for a period of 12 months or less and as designated (RC); and the consideration of fines/community service or other restorative sanctions as general conditions of probation.**

(III) **Unless otherwise designated, the range of months in the standard range refers to the recommended period of restrictive conditions. ]**

(v) Level E, limited to confinement in a State facility.

(A) The guidelines [ **encourage the** ] **recommend** consideration of confinement in a State facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level E are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term of 30 months or more recommended, including consideration of the statutory limit for [ **repeat violent offenders (REVOC)** ] **PRS 4**, with the maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 (relating to sentence of total confinement); with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [ **(relating to specific powers of board involving offenders)** ].

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(vi) Level F, limited to confinement in a State facility for offenses with a statutory maximum greater than 20 years.

(A) The guidelines [ **encourage the** ] **recommend** consideration of confinement in a State facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level F are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term of 90 months or more recommended, including consideration of the statutory limit for [ **repeat violent offenders (REVOC)** ] **PRS 4**, with a maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 [ **(relating to sentence of total confinement)** ]; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [ **(relating to specific powers of board involving offenders)** ].

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(vii) Level G, limited to confinement in a State facility for the offense of murder of the third degree, which has a statutory maximum of 40 years.

(A) The guidelines [ **encourage the** ] **recommend** consideration of confinement in a State facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level G are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, with a minimum term standard range recommendation of no less than 72 months and including the statutory limit of 240 months; with a maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 [ **(relating to sentence of total confinement)** ]; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(c); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [ **(relating to specific powers of board involving offenders)** ].

(III) Because of the wide range of circumstances contributing to convictions for murder of the third degree, the Commission has provided an extraordinarily wide standard range for consideration by the court, with a lower limit of 72 months and an upper limit of 240 months, which is the statutory limit. An enhancement, which increases the lower limit to 90 months, applies when the victim is less than 13 years of age. To refine future guidelines and promote greater proportionality and uniformity in sentencing, the Commission requires the court to report reasons for all sentences imposed for murder of the third degree.

(IV) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(viii) Level H, limited to confinement in a State facility for the offenses of murder of the first degree and murder of the second degree.

(A) Level H includes convictions for which the penalty is the same as the penalty for murder of the first degree or murder of the second degree, including but not limited to:

(I) 18 Pa.C.S. § 2507 (relating to criminal homicide of law enforcement officer).

(II) 18 Pa.C.S. § 2604 (relating to murder of unborn child).

(III) 18 Pa.C.S. § 2716 (relating to weapons of mass destruction).

(IV) 18 Pa.C.S. § 3301 (relating to arson and related offenses).

(B) The following three age categories apply:

(I) Persons 18 years of age or older at the time of the offense;

(II) Persons 15 years of age or older but less than 18 years of age at the time of the offense; and

(III) Persons 10 years of age or older but less than 15 years of age at the time of the offense.

(C) If person is under 18 years of age at the time of the offense and the conviction occurred after June 24, 2012, the court shall consider the recommendations provided in Level H. 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 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer)).

(D) The statute requires confinement in a State facility, and the mandatory minimum requirements provide the lower limit of the recommendations in Level H, with recommendations increasing based on criminal history. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level H are incapacitation and deterrence.

(E) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a State facility, for those under 18 years of age at the time of the offense, considers the mandatory minimum sentencing requirements and criminal history in determining the minimum sentence recommendation. The maximum sentence authorized by statute is life, including life without the possibility of parole (LWOP), but excluding the death penalty. When sentenced to a minimum term of less than LWOP, parole authority is under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 [relating to specific powers of board involving offenders].

(III) The use of confinement in a State facility, for those 18 years or age or older at the time of the offense, penalties are limited to LWOP or death.

(F) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

#### § 303a.6. Aggravated and mitigated circumstances.

(a) *Aggravated and mitigated ranges.* As required by 42 Pa.C.S. § 2154(b)(4) (relating to adoption of guidelines for sentencing), the sentencing guidelines provide aggravated

and mitigated ranges as variations from the standard range on account of aggravating and mitigating circumstances.

(b) *Conformity to the guidelines.* A sentence imposed in the standard range, aggravated range, or mitigated range is considered a sentence within the guidelines. A sentence imposed with a disposition or duration more severe than the aggravated range recommendation, less severe than the mitigated range recommendation, or without consideration of applicable guideline sentencing standards, is considered a departure from the guidelines.

[ (b) ] (c) *Aggravated ranges.* When the court determines that aggravating circumstances are present, the court may consider the aggravated range of the sentencing guidelines. The aggravated range is determined by adding the designated number of months listed on the [ **Sentencing Matrix** ] sentencing matrix (AGG/MIT column), located in § 303a.14 (relating to sentencing matrix), to the top of the standard range recommendation as follows:

(1) At Level A, the aggravated range is determined by adding three months of **general** probation to the top of the standard range recommendation. When the top of the standard range recommendation is RS, the aggravated range recommendation is [ **a** ] any period of **general** probation up to and including three months of **general** probation; when the top of the standard range recommendation is [ **6** ] six months of **general** probation, the aggravated range recommendation is any period of **general** probation greater than six months up to and including nine months of **general** probation.

(2) At Level B, the aggravated range is determined by adding six months of **general** probation to the standard range recommendation. When the standard range recommendation is 6 months of **general** probation, the aggravated range recommendation is a period of **general** probation greater than [ **six** ] 6 months up to and including [ **twelve** ] 12 months of **general** probation; when the standard range recommendation is 24 months of **general** probation, the aggravated range recommendation is any period of **general** probation greater than 24 months up to and including 30 months of **general** probation. The use of confinement [ , ] or [ **the use of** ] restrictive conditions, for a period longer than designated in the standard range recommendation, is a **procedural** departure from the guidelines.

(3) At Level C through Level H, the aggravated range recommendation is determined by adding the number of months of **confinement** designated below to the top of the standard range recommendations:

(i) Level C = 3 months.

(ii) Level D = [ **4** ] 6 months.

(iii) Level E = [ **6** ] 9 months.

(iv) Level F = 12 months.

(v) Level G = [ **12 months** ] no aggravated range (standard range includes the statutory limit).

(vi) Level H = 24 months.

(4) As an example, when the top of the standard range recommendation is a minimum term of confinement of four months (Level C), the aggravated range recommendation is a minimum term of confinement of greater than four months up to and including a minimum term of

confinement of seven months; when the top of the standard range recommendation is a minimum term of confinement of 60 months (Level E), the aggravated range recommendation is a minimum term of confinement of greater than 60 months up to and including a minimum term of confinement of [ 66 ] 69 months.

(5) When the guideline sentence recommendation is higher than the statutory limit, the statutory limit shall be the upper limit of the aggravated range.

[ (c) ] (d) *Mitigated ranges.* When the court determines that mitigating circumstances are present, the court may consider the mitigated range of the sentencing guidelines. The mitigated range is determined by subtracting the designated number of months listed on the [ **Sentencing Matrix** ] **sentencing matrix** (AGG/MIT column), **located in § 303a.14**, from the bottom of the standard range recommendation as follows:

(1) At Level A, [ **the mitigated range is determined by subtracting three months of probation from the bottom of the standard range recommendation. There** ] **there** is no mitigated range [ **at Level A** ], since the bottom of the standard range is restorative sanctions, which excludes **general** probation.

(2) At Level B, the mitigated range is determined by subtracting six months of **general** probation from the standard range recommendation. When the standard range recommendation is 6 months of **general** probation [ **or less** ], the mitigated range recommendation is RS [ **(restorative sanctions)** ] **or any period of general probation less than 6 months**; when the standard range recommendation is 24 months of **general** probation, the mitigated range recommendation is any period of **general** probation of 18 months or greater but less than 24 months of **general** probation. **When the standard range recommendation is a minimum of one month restrictive conditions (RC), [ The recommended duration ] the mitigated range recommendation of [ restrictive conditions ] RC is [ reduced by one month ] no RC to less than one month RC.**

(3) At Level C through Level H, the mitigated range recommendation is determined by subtracting the number of months **of confinement** designated below from the bottom of the standard range recommendations:

- (i) Level C = 3 months.
- (ii) Level D = [ 4 ] 6 months.
- (iii) Level E = [ 6 ] 9 months.
- (iv) Level F = 12 months.
- (v) Level G = 12 months.
- (vi) Level H = 24 months.

(4) As an example, when the bottom of the standard range recommendation is a minimum term of confinement of [ **three** ] 3 months or less (Level C), the mitigated range recommendation is RS [ **(restorative sanctions)** ]; when the bottom of the standard range recommendation is a minimum term of confinement of 60 months (Level E), the mitigated range recommendation is a minimum term of confinement of [ 54 ] 51 months or greater but less than 60 months.

(5) When the guideline sentence recommendation is lower than the sentence required by a mandatory sentencing statute, the mandatory minimum sentence shall be the lower limit of the mitigated range.

[ (d) ] (e) *Departures from the guidelines.* Any sentence imposed with a disposition or duration more severe than the aggravated range recommendation is considered a departure above the guidelines. Any sentence imposed with a disposition or duration less severe than the mitigated range recommendation is considered a departure below the guidelines. Any sentence imposed without consideration of applicable guideline [ **requirements** ] **sentencing standards**, such as completion of a diagnostic assessment for use of certain restrictive conditions of probation, is considered a procedural departure.

[ (e) ] (f) *Reasons for sentence.*

(1) When the court imposes a sentence for murder of the third degree, or imposes a sentence in the aggravated or mitigated range, or [ **departs** ] **imposes a sentence that is a departure** from the [ **sentencing** ] guidelines, [ **it shall consider and** ] **the court shall** state on the record **and report to the Commission** a reason or reasons for the sentence [ **, including** ]. **The court may consider**, but **is** not limited to the following:

(i) Nature and circumstances of the offense:

- (A) Neither caused nor threatened serious harm.
- (B) Conduct substantially influenced by another person.
- (C) Acted under strong provocation.
- (D) Substantial grounds to justify conduct.
- (E) Role in offense.
- (F) Purity of controlled substance.
- (G) Abuse of position of trust.
- (H) Vulnerability of victim.
- (I) Temporal pattern.
- (J) Offense pattern.

**(K) Multiple offenses in a criminal incident.**

(ii) History and character of the person:

- (A) No history of criminal conduct.
- (B) Substantial period of law-abiding behavior.
- (C) Circumstances unlikely to recur.
- (D) Likely to respond affirmatively to probation.
- (E) Imprisonment would entail excessive hardship.
- (F) Accepts responsibility.
- (G) Provides substantial assistance.
- (H) Compensated victim or community.
- (I) Character and attitude.

**(J) Treatment for substance abuse, behavioral health issues, or developmental disorders or disability.**

(2) Unless otherwise prohibited by statute, the consideration of validated assessments of risk, needs and responsibility, or clinical evaluations may be considered to guide decisions related to the intensity of intervention, use of restrictive conditions, and duration of community supervision.

(3) 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 PRS, in addition to other factors deemed appropriate by the court.

[ (f) ] (g) *Reporting of reasons.* When the court imposes a sentence for murder of the third degree, or

imposes an aggravated or mitigated sentence, or [ **departs** ] **imposes a sentence that is a departure** from the guidelines, the court shall include the reasons on the guideline sentence form, and electronically transmit the information to the Commission in the manner described § 303a.2 (**relating to guideline sentencing standards**).

§ 303a.7. Judicial proceeding [ **recommendations** ] **considerations**.

(a) *General [ guideline sentence recommendations ] provisions.* [ **General guideline sentence recommendations** ] **Judicial proceeding considerations** are provided to address the imposition of multiple sentences [ **during a judicial proceeding to** ], **encouraging practices that** promote greater consistency in the use of concurrent or consecutive sentences, and [ **to encourage the** ] **promote** consideration of various sentencing and correctional programs.

(b) *Concurrent and consecutive sentences.* As provided in 42 Pa.C.S. § 9721(a) (relating to sentencing generally), the court may impose one or more sentencing alternatives consecutively or concurrently. When a judicial proceeding includes sentences for multiple convictions, [ **the guidelines encourage the consideration of imposing** ] **the court is encouraged to consider the imposition of** concurrent sentences for lesser conviction offenses within the same criminal incident. Exceptions include:

(1) Sentences for crimes of violence, **and for convictions involving sexual assault, domestic violence, and vulnerable victims.**

(2) Consecutive sentences [ **are** ] **when** required by law, including but not limited to:

(i) 18 Pa.C.S. § 2703(b) (relating to assault by prisoner).

(ii) 42 Pa.C.S. § 9711.1(c) (relating to sentencing for certain murders of infant persons).

(iii) 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).

(iv) 61 Pa.C.S. § 6137.2 (relating to reentry supervision).

(v) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under [ **the** ] influence).

(vi) 75 Pa.C.S. § 3804(c.2) and (c.3) (relating to penalties [ **for driving under the influence** ]).

(3) Proceedings in which there are multiple crime victims, **or multiple criminal incidents.**

(4) **Circumstances for which a longer sentence is warranted to address treatment needs.**

(c) *Consecutive sentences of total confinement.* As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses), when the court determines that a sentence should be imposed consecutive to one being then imposed or one previously imposed, the court shall indicate the minimum sentence to be served for the total of all offenses; the minimum sentence shall not exceed one-half of the maximum sentence imposed. For purposes of the guidelines, the total confinement sentence imposed during the judicial proceeding shall be considered the aggregate confinement sentence.

(d) *Consideration of sentencing and correctional programs.* When the aggregate confinement sentence authorizes the use of a county facility, the [ **guidelines encourage consideration of** ] **court is encouraged to consider** a county reentry program or partial release program as provided in § 303a.1(c) (relating to preliminary provisions), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates). When the aggregate confinement sentence authorizes the use of a State facility, the guidelines encourage the court to determine the eligibility and appropriateness of the specified Department programs provided in § 303a.1(c); parole authority in such cases is under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(e) *Consecutive sentences of probation.* Unless otherwise provided, the [ **guidelines recommend the duration of the aggregate term of probation imposed during a judicial proceeding not exceed five years** ] **court is encouraged to limit the aggregate term of probation imposed during a judicial proceeding to no more than five years**; and that the duration of the restrictive conditions of probation, or a combination of confinement without parole, as provided in 42 Pa.C.S. §§ 9755(h) **and 9756(c.1)** (relating to sentence of partial confinement[ ] **and 9756(c.1) (relating to)**; **and** sentence of total confinement), and restrictive conditions of probation, not exceed the **aggregate** months of confinement recommended in the **sentencing** guidelines.

§ 303a.8. **Effective dates of sentencing guidelines editions.**

<i>Effective Date</i>	<i>Sentencing Guidelines Edition</i>
<b>07-22-1982</b>	<b>First Edition</b>
06-03-1983	—Amendment 1
01-02-1986	—Amendment 2
<b>06-05-1986</b>	<b>Second Edition</b>
<b>04-25-1988</b>	<b>Third Edition</b>
08-09-1991	—Revised
12-20-1991	—Revised, Amendment 1

<i>Effective Date</i>	<i>Sentencing Guidelines Edition</i>
<b>08-12-1994</b>	<b>Fourth Edition</b>
<b>06-13-1997</b>	<b>Fifth Edition</b>
<b>06-03-2005</b>	<b>Sixth Edition</b>
12-05-2008	—Revised
<b>12-28-2012</b>	<b>Seventh Edition</b>
09-27-2013	—Amendment 1
09-26-2014	—Amendment 2
09-25-2015	—Amendment 3
01-01-2018	—Amendment 4
06-01-2018	—Amendment 4, Supplement
01-01-2020	—Amendment 5
01-01-2021	—Amendment 6
<b>01-01-2024</b>	<b>Eighth Edition</b>

All editions of the sentencing guidelines are posted on the Commission's web site and **are** available upon request.

**§ 303a.9. Offense listing (OGS/POG assignments).**

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
<b>PART I</b>					
901	Criminal attempt (inchoate)	18 Pa.C.S. § 905	F-1 (-1)		
902	Criminal solicitation (inchoate)	18 Pa.C.S. § 905	F-1 (-1)		
903	Criminal conspiracy (inchoate)	18 Pa.C.S. § 905	F-1 (-1)		
908(a)	Prohibited offensive weapons	M-1	6	POG1	
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	12	POG3	
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	10	POG3	
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	6	POG1	
908.1(c)	Use/possess electric incapacitation device (prohibited possession)	M-1	7	POG1	
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	12	POG3	
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	13	POG3	
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	12	POG3	
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	13	POG3	
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	12	POG3	
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	13	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	12	POG3	
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	13	POG3	
911(b)(1)	Corrupt organizations	F-1	13	POG3	
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	13	POG3	
911(b)(3)	Corrupt organizations-employee participation	F-1	13	POG3	
911(b)(4)	Corrupt organizations-conspire	F-1	13	POG3	
<b>PART II</b>	<b>ARTICLE A</b>				
2103	Insults to national or Commonwealth flag	M-2	3	POG1	
<b>PART II</b>	<b>ARTICLE B</b>				
2502 Inchoate	—Attempt/solicitation/conspiracy to murder (SBI)	18 Pa.C.S. § 1102(c)	26	POG4	
2502 Inchoate	—Attempt/solicitation/conspiracy to murder (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2502(a)	Murder-1st degree	Murder of 1st Degree	H6	POG4	
2502(a)	Murder-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2502(a)	Murder-1st degree (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2502(b)	Murder-2nd degree	Murder of 2nd Degree	H5	POG4	
2502(b)	Murder-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2502(b)	Murder-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	
2502(c)	Murder-3rd degree	F-1	G1	POG4	
2502(c)*	Murder-3rd degree (victim <13 yrs.)	F-1	G2	POG4	
2502(c)*	Murder-3rd degree (committed in association with a criminal gang)	F-1	G2	POG4	
2502(c)*	Murder-3rd degree (involving domestic violence)	F-1	G2	POG4	
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	19	POG4	
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	19	POG4	
2503(b)	Voluntary manslaughter (believe justified)	F-1	19	POG4	
2504(a)	Involuntary manslaughter (victim <12 yrs.)	F-2	13	POG3	
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	12	POG3	
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	12	POG3	
2504(a)*	Involuntary manslaughter	M-1	10	POG3	
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	H6	POG4	
2505(a)	Suicide, causing (as homicide/murder 1) (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2505(a)	Suicide, causing (as homicide/murder 1) (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	H5	POG4	
2505(a)	Suicide, causing (as homicide/murder 2) (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2505(a)	Suicide, causing (as homicide/murder 2) (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	G1	POG4	
2505(a)*	Suicide, causing (as homicide/murder 3) (<18/disability/autism)	F-1	G2	POG4	
2505(a)	Suicide, causing (as homicide/vol. manslaughter)	F-1	19	POG4	
2505(a)*	Suicide, causing (as homicide/vol. manslaughter) (<18/disability/autism)	F-1	20	POG4	
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	11	POG3	
2505(a)*	Suicide, causing (as homicide/invol. manslaughter) (<18/disability/autism)	M-1	12	POG3	
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (victim <12 yrs.)	F-2	13	POG3	
2505(a)*	Suicide, causing (as homicide/invol. manslaughter) (victim <12 yrs.) (<18/disability/autism)	F-2	14	POG3	
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (w/ DUI or BUI conviction)	M-1	12	POG3	
2505(a)*	Suicide, causing (as homicide/invol. manslaughter) (w/ DUI or BUI conviction) (<18/disability/autism)	M-1	13	POG3	
2505(b)*	Suicide, aiding or soliciting (positive result) (<18/disability/autism)	F-2	12	POG3	
2505(b)	Suicide, aiding or soliciting (no result)	M-2	3	POG1	
2505(b)*	Suicide, aiding or soliciting (no result) (<18/disability/autism)	M-2	4	POG1	
2506(a)	Drug delivery resulting in death	F-1	22	POG4	
2507 Inchoate	—Attempt/solicitation/conspiracy to murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	26	POG4	
2507 Inchoate	—Attempt/solicitation/conspiracy to murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2507(a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	H6	POG4	
2507(a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2507(a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2507(b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	H5	POG4	
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2507(b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	
2507(c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	20	POG4	
2507(c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	20	POG4	
2507(c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	20	POG4	
2507(d)	Manslaughter of law enforcement officer (2nd degree)	F-2	14	POG4	
2604 Inchoate	—Attempt/solicitation/conspiracy to murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	26	POG4	
2604 Inchoate	—Attempt/solicitation/conspiracy to murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2604(a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	H6	POG4	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2604(a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H4	POG4	
2604(a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	H2	POG4	
2604(b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	H5	POG4	
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H3	POG4	
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H1	POG4	
2604(c)(1)	Murder of unborn child-3rd degree	F-1	G2	POG4	
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	19	POG3	
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	19	POG3	
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	19	POG3	
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	20	POG4	
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	18	POG4	
2701(a)(1)	Simple assault-attempt/cause BI	M-2	7	POG1	
2701(a)(1)*	Simple assault-cause BI (against child <12 by adult >=18)	M-1	9	POG3	
2701(a)(1)*	Simple assault-attempt BI (against child <12 by adult >=18)	M-1	8	POG3	
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	5	POG1	
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	7	POG1	
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18)	M-1	9	POG3	
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	5	POG1	
2701(a)(3)	Simple assault-cause fear of SBI	M-2	7	POG1	
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult >=18)	M-1	8	POG3	
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	5	POG1	
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	7	POG1	
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18)	M-1	8	POG3	
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	5	POG1	
2702(a)(1)*	Aggravated assault-cause SBI	F-1	18	POG4	
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	16	POG4	
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	19	POG4	
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	17	POG4	
2702(a)(3)*	Aggravated assault-cause BI to police/enumerated persons	F-2	12	POG3	
2702(a)(3)*	Aggravated assault-attempt BI to police/enumerated persons	F-2	10	POG3	
2702(a)(4)*	Aggravated assault-cause BI w/ deadly weapon	F-2	14	POG3	
2702(a)(4)*	Aggravated assault-attempt BI w/ deadly weapon	F-2	12	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2702(a)(5)*	Aggravated assault-cause BI to teacher, etc.	F-2	12	POG3	
2702(a)(5)*	Aggravated assault-attempt BI to teacher, etc.	F-2	10	POG3	
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	10	POG3	
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	10	POG3	
2702(a)(8)*	Aggravated assault-cause BI (against child <6 by person >=18)	F-2	13	POG3	
2702(a)(8)*	Aggravated assault-attempt BI (against child <6 by person >=18)	F-2	11	POG3	
2702(a)(9)*	Aggravated assault-cause SBI (against child <13 by person >=18)	F-1	20	POG3	
2702(a)(9)*	Aggravated assault-attempt SBI (against child <13 by person >=18)	F-1	18	POG3	
2702.1(a)(1)	Assault of law enforcement officer-discharge firearm (cause BI)	F-1	28	POG4	
2702.1(a)(1)	Assault of law enforcement officer-discharge firearm (attempt BI)	F-1	27	POG4	
2702.1(a)(2)	Assault of law enforcement officer-cause/attempt contact with blood, seminal fluid, saliva, urine or feces	F-3	10	POG3	
2703(a)(1)(ii)	Assault by prisoner-against employee deadly weapon/likely to cause BI	F-2	12	POG3	
2703(a)(3)	Assault by prisoner-against employee with deadly weapon/likely SBI	F-1	17	POG3	
2703.1	Aggravated harassment by prisoner	F-3	10	POG2	
2704	Assault by life prisoner	Murder of 2nd Degree	H5	POG4	
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	24	POG4	
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	22	POG4	
2705	Recklessly endangering another person	M-2	7	POG1	
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	8	POG3	
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	8	POG3	
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	8	POG3	
2707(b)	Propulsion of missiles onto a roadway	M-2	5	POG1	
2707.1(a)	Discharge of firearm into an occupied structure	F-3	15	POG3	
2709(a)(1)	Harassment-subject other physical contact (prev. violation of order)	M-3	5	POG1	
2709(a)(2)	Harassment-follow in public place (prev. violation of order)	M-3	5	POG1	
2709(a)(3)	Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)	M-3	5	POG1	
2709(a)(4)	Harassment-lewd communication	M-3	5	POG1	
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	5	POG1	
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	5	POG1	
2709(a)(7)	Harassment-repeated communication: other	M-3	5	POG1	
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	10	POG3	
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	10	POG3	
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	10	POG3	
2710	Ethnic intimidation	18 Pa.C.S. § 2710(b)	(+2)		
2712(a)	Assault-sports official	M-1	8	POG3	
2713(a)(1)	Neglect of care-dependent person-no treatment (cause death)	F-1	18	POG3	
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	16	POG3	
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause death)	F-1	18	POG3	
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	16	POG3	
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct)	F-3	8	POG3	
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc.	M-2	5	POG1	
2713.1(a)(2)	Abuse of care-dependent person-offense under 18 § 2709.1 (relating to stalking)	F-3	8	POG3	
2713.1(a)(3)	Abuse of care-dependent person-intent to ridicule/demean	M-3	2	POG1	
2714	Unauthorized administration of intoxicant	F-3	12	POG3	
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	8	POG3	
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	10	POG3	
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	10	POG3	
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	10	POG3	
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	10	POG3	
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	18	POG3	
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	H5	POG4	
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	22	POG4	
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	22	POG4	
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	22	POG4	
2717	Terrorism	18 Pa.C.S. § 2717	(+2)	POG4	
2718(a)(1)	Strangulation-applying pressure to throat or neck	M-2	7	POG1	
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-2	13	POG4	
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-1	16	POG4	
2718(a)(2)	Strangulation-blocking nose and mouth	M-2	7	POG1	
2718(a)(2)	Strangulation-blocking nose and mouth	F-2	13	POG4	
2718(a)(2)	Strangulation-blocking nose and mouth	F-1	16	POG4	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
2719(a)(1)	Endangerment of public safety official-reckless disregard	M-1	7	POG3	
2719(a)(1)	Endangerment of public safety official-reckless disregard (resulting in BI)	F-2	11	POG3	
2719(a)(2)	Endangerment of public safety official-intent to threaten, intimidate, or facilitate the commission of a crime	M-1	7	POG3	
2719(a)(2)	Endangerment of public safety official-intent to threaten, intimidate, or facilitate the commission of a crime (resulting in BI)	F-2	11	POG3	
2802(a)(1)	Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(2)	Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(3)	Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(4)	Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(5)	Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI)	M-3	5	POG1	
2802(a)(6)	Hazing a minor or student-endure other activity (reasonable likelihood of BI)	M-3	5	POG1	
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (SBI)	F-3	10	POG3	
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (death)	F-3	11	POG3	
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI)	F-3	10	POG3	
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death)	F-3	11	POG3	
2901(a)(1)	Kidnapping-for ransom (victim $\geq$ 18 yrs.)	F-1	15	POG4	
2901(a)(2)	Kidnapping-to facilitate a felony (victim $\geq$ 18 yrs.)	F-1	15	POG4	
2901(a)(3)	Kidnapping-to inflict terror, BI (victim $\geq$ 18 yrs.)	F-1	15	POG4	
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim $\geq$ 18 yrs.)	F-1	15	POG4	
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs.)	F-1	16	POG4	
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs.)	F-1	17	POG4	
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs.)	F-1	16	POG4	
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs.)	F-1	17	POG4	
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs.)	F-1	17	POG4	
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs.)	F-1	17	POG4	
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs.)	F-1	16	POG4	
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs.)	F-1	17	POG4	
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs.)	F-2	12	POG3	
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs.)	F-2	12	POG3	
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs.)	F-2	12	POG3	

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2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs.)	F-2	12	POG3	
2903(a)	False imprisonment (victim ≥18 yrs.)	M-2	6	POG1	
2903(b)	False imprisonment (victim <18 yrs.)	F-2	12	POG3	
2903(c)	False imprisonment by parent (victim<18 yrs.)	F-2	10	POG3	
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	12	POG3	
2904(a)*	Interfere with custody of children (parent/guardian)	F-3	9	POG3	
2904(a)*	Interfere with custody of children	F-3	9	POG3	
2904(a)*	Interfere with custody of children-good cause/time <24 hrs. (parent/guardian)	M-2	7	POG1	
2904(a)*	Interfere with custody of children-good cause/time <24 hrs.	M-2	7	POG1	
2905(a)	Interfere with custody of committed person	M-2	6	POG1	
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	5	POG1	
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	5	POG1	
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	5	POG1	
2906(a)(4)	Criminal coercion-threaten official act	M-2	5	POG1	
2910(a)	Luring a child into motor vehicle/structure (child <13 yrs.)	F-2	13	POG3	
3011(a)(1)	Trafficking in individuals-recruits, entices, solicits, harbors, etc.	F-1	15	POG4	E
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	27	POG4	E
3011(a)(2)	Trafficking in individuals-knowingly benefits financially	F-1	15	POG4	E
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	27	POG4	E
3011(a)(3)	Trafficking in individuals-knows or recklessly disregards	F-2	13	POG4	E
3011(a)(4)	Trafficking in individuals-knowingly benefits financially	F-2	13	POG4	E
3012(b)(1)*	Involuntary servitude-cause serious harm	F-1	15	POG3	E
3012(b)(1)*	Involuntary servitude-threaten serious harm	F-1	13	POG3	E
3012(b)(2)*	Involuntary servitude-physically restrain another	F-1	15	POG3	E
3012(b)(2)*	Involuntary servitude-threaten to physically restrain another	F-1	13	POG3	E
3012(b)(3)*	Involuntary servitude-kidnap	F-1	18	POG3	E
3012(b)(3)*	Involuntary servitude-attempt to kidnap	F-1	16	POG3	E
3012(b)(4)*	Involuntary servitude-abuse legal process	F-1	15	POG3	E
3012(b)(4)*	Involuntary servitude-threaten to abuse legal process	F-1	13	POG3	E
3012(b)(5)	Involuntary servitude-taking/retaining personal property	F-1	15	POG3	E
3012(b)(6)	Involuntary servitude-unlawful conduct of documents	F-1	15	POG3	E
3012(b)(7)	Involuntary servitude-extortion	F-1	15	POG3	E
3012(b)(8)	Involuntary servitude-fraud	F-1	15	POG3	E
3012(b)(9)	Involuntary servitude-criminal coercion	F-1	15	POG3	E
3012(b)(10)	Involuntary servitude-duress through force	F-1	15	POG3	E
3012(b)(10)	Involuntary servitude-duress through threat of force	F-1	13	POG3	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3012(b)(11)	Involuntary servitude-debt coercion	F-1	15	POG3	E
3012(b)(12)	Involuntary servitude-facilitate/restrict access to controlled substance	F-1	15	POG3	E
3012(b)(13)	Involuntary servitude-cause believe harm/restraint to another	F-1	15	POG3	E
3013(a)(1)*	Patronizing victim of sexual servitude	F-1	15	POG3	
3013(a)(1)*	Patronizing victim of sexual servitude-minor victim	F-1	18	POG3	
3013(a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard (1st offense)	F-3	9	POG3	
3013(a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard; minor victim (1st offense)	F-3	10	POG3	
3013(a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard (2nd/subsq offense)	F-1	14	POG3	
3013(a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard: minor victim (2nd/subsq offense)	F-1	16	POG3	
3015(a)(1)	Nonpayment of wages (<\$2,000)	M-3	5	POG1	
3016	Obstruction of justice-interfere with enforcement of Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	See § 303.3 (a)(3)(ii)		
3121(a)(1)	Rape-forcible compulsion	F-1	21	POG4	
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	23	POG4	
3121(a)(2)	Rape-threat of forcible compulsion	F-1	20	POG4	
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	23	POG4	
3121(a)(3)	Rape-unconscious victim	F-1	21	POG4	
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	23	POG4	
3121(a)(4)	Rape-substantially impaired victim	F-1	21	POG4	
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	23	POG4	
3121(a)(5)	Rape-mentally disabled victim	F-1	21	POG4	
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	23	POG4	
3121(c)	Rape-child (victim <13 yrs.)	F-1	27	POG4	
3121(d)	Rape-child w/ SBI (victim <13 yrs.)	F-1	28	POG4	
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs. (person 8-<11 yrs. older)	F-2	12	POG3	
3123(a)(1)	IDSI-forcible compulsion	F-1	21	POG4	
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	20	POG4	
3123(a)(3)	IDSI-unconscious victim	F-1	21	POG4	
3123(a)(4)	IDSI-substantially impaired victim	F-1	21	POG4	
3123(a)(5)	IDSI-mentally disabled victim	F-1	21	POG4	
3123(a)(7)	IDSI-victim <16 yrs. (person ≥4 yrs. older)	F-1	21	POG4	
3123(b)	IDSI-child (victim <13 yrs.)	F-1	27	POG4	
3123(c)	IDSI-child w/ SBI (victim <13 yrs.)	F-1	28	POG4	
3124.1	Sexual assault	F-2	18	POG4	
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs.)	F-3	10	POG3	

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3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	10	POG3	
3124.2(a.3)	Institutional sexual assault-by childcare volunteer/employee	F-3	10	POG3	
3124.2(a.4)(1)	Institutional sexual assault by peace officer	F-3	10	POG3	
3124.2(a.4)(2)	Institutional sexual assault by peace officer-child (victim <18)	F-3	10	POG3	
3124.2(a.6)(1)	Institutional sexual assault by caretakers	F-3	10	POG3	
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	15	POG4	
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs.)	F-1	21	POG4	
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	15	POG4	
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs.)	F-1	20	POG4	
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	17	POG4	
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs.)	F-1	21	POG4	
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	16	POG4	
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs.)	F-1	21	POG4	
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	17	POG4	
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs.)	F-1	21	POG4	
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	17	POG4	
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs.)	F-1	21	POG4	
3125(a)(7)	Aggravated indecent assault-victim <13 yrs.	F-2	17	POG4	
3125(a)(8)	Aggravated indecent assault-victim <16 yrs. (person ≥4 yrs. older)	F-2	17	POG4	
3126(a)(1)	Indecent assault-w/o consent	M-2	7	POG1	
3126(a)(2)	Indecent assault-forcible compulsion	M-1	8	POG3	
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	8	POG3	
3126(a)(4)	Indecent assault-unconscious victim	M-1	9	POG3	
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	9	POG3	
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	9	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs.	M-1	9	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs. (2nd/subsq)	F-3	12	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs./course of conduct	F-3	12	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs./touching victim's sexual parts w/ person's	F-3	11	POG3	
3126(a)(7)	Indecent assault-victim <13 yrs./touching person's sexual parts w/ victim's	F-3	11	POG3	
3126(a)(8)	Indecent assault-victim <16 yrs. (person ≥4 yrs. older)	M-2	8	POG1	
3127(a)	Indecent exposure	M-2	7	POG1	
3127(a)	Indecent exposure-victim <16 yrs.	M-1	8	POG3	
3129	Sexual intercourse with animal	M-2	5	POG1	
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	8	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	8	POG3	
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	8	POG3	
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	8	POG3	
3131(a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs.)	M-2	5	POG1	
3132(a)(1)	Female mutilation	F-1	20	POG3	
3132(a)(2)	Female mutilation-is a parent of a minor and the parent knowingly consents or permits	F-1	18	POG3	
3132(a)(3)	Female mutilation-knowingly removes or permits the removal of a minor from this Commonwealth	F-1	18	POG3	
3133(a)(1)*	Sexual extortion-engage in sexual conduct	M-1	7	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: victim<18	F-3	10	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: intellectual disability	F-3	10	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: offender's position	F-3	10	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: course of conduct	F-3	9	POG3	E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: 2nd/subsq	F-3	9	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.	M-1	7	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: victim<18	F-3	10	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: intellectual disability	F-3	10	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: offender's position	F-3	10	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: course of conduct	F-3	9	POG3	E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: 2nd/subsq	F-3	9	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.	M-1	7	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: victim<18	F-3	10	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: intellectual disability	F-3	10	POG3	E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: offender's position	F-3	10	POG3	E
3133(c)(1)*	Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: course of conduct	F-3	9	POG3	E
3133(c)(1)*	Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: 2nd/subsq	F-3	9	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure	M-1	7	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: victim<18	F-3	10	POG3	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: intellectual disability	F-3	10	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: offender's position	F-3	10	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: course of conduct	F-3	9	POG3	E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: 2nd/subsq	F-3	9	POG3	E
<b>PART II</b>	<b>ARTICLE C</b>				
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	15	POG4	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	13	POG4	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause SBI to civilian)	F-1	19	POG4	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause BI to firefighter, etc.)	F-1	19	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	15	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	13	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause SBI to civilian)	F-1	19	POG4	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause BI to firefighter, etc.)	F-1	19	POG4	E
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	H6	POG4	E
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	H5	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to civilian	F-1	15	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-cause BI to civilian	F-1	19	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-attempt SBI to civilian	F-1	18	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-cause SBI to civilian	F-1	20	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to firefighter, etc.	F-1	18	POG4	E
3301(a.1)(1)(i)*	Aggravated arson-cause BI to firefighter, etc.	F-1	20	POG4	E
3301(a.1)(1)(ii)	Aggravated arson-other felony arson (when person present inside property)	F-1	15	POG4	E
3301(a.1)(2)	Aggravated arson-fire/explosion causes death of any person	Murder of 2nd Degree	H5	POG4	E
3301(a.2)(1)	Arson of historic resource-w/ intent (fire/explosion)	F-2	10	POG3	
3301(a.2)(2)	Arson of historic resource-aids/pays (fire/explosion)	F-2	10	POG3	
3301(c)(1)	Arson endangering property-intent to destroy unoccupied [ <b>bldg.</b> ] <b>building</b>	F-2	9	POG3	
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	9	POG3	
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	9	POG3	
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied [ <b>bldg.</b> ] <b>building</b>	F-3	7	POG2	

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3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5,000)	F-3	7	POG2	
3301(f)	Arson-possess explosive material (intent to use)	F-3	7	POG2	
3302(a)	Catastrophe-causing (intentionally)	F-1	15	POG3	
3302(a)	Catastrophe-causing (recklessly)	F-2	9	POG3	
3302(b)	Catastrophe-risking	F-3	8	POG2	
3303(1)	Failure to prevent catastrophe-duty	M-2	7	POG1	
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	6	POG1	
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$5,000)	F-3	7	POG2	
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$1,000)	M-2	6	POG1	
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	7	POG2	
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	6	POG1	
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	7	POG2	
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	6	POG1	
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	7	POG2	
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	6	POG1	
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	7	POG2	
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	5	POG1	
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	7	POG2	
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	5	POG1	
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	7	POG1	
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	7	POG1	
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	7	POG1	
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	6	POG1	
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	7	POG2	
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	6	POG1	
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	5	POG1	
3309(a)	Agricultural vandalism (>\$5,000)	F-3	7	POG2	
3309(a)	Agricultural vandalism (>\$500)	M-2	5	POG1	
3310(a)	Agricultural crop destruction	F-2	10	POG3	
3311	Ecoterrorism	18 Pa.C.S. § 3311	(+2)	POG4	
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	7	POG1	
3313(a)	Illegal dumping of methamphetamine waste	F-3	7	POG2	
3502(a)(1)(i)*	Burglary-home/person present and bodily injury crime as defined in 18 Pa.C.S. § 3502(e)	F-1	15	POG4	E
3502(a)(1)(ii)	Burglary-home/person present	F-1	13	POG4	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3502(a)(2)	Burglary-home/no person present	F-1	10	POG3	E
3502(a)(3)	Burglary-not a home/person present	F-1	9	POG3	E
3502(a)(4)	Burglary-not a home/no person present	F-2	8	POG3	E
3502(a)(4)	Burglary-not a home/no person present (commit theft of drugs)	F-1	10	POG3	E
3503(a)(1)(i)	Criminal trespass-buildings	F-3	7	POG2	E
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	8	POG3	E
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	5	POG1	E
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	5	POG1	E
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	5	POG1	E
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	5	POG1	E
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	7	POG1	E
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	2	POG1	E
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	7	POG1	E
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	7	POG1	E
3505(a)(3)	Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband	F-2	10	POG3	
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	20	POG4	
3701(a)(1)(i)	Robbery-inflicts SBI (drug-related)	F-1	22	POG4	
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	16	POG4	
3701(a)(1)(ii)	Robbery-threatens SBI (drug-related)	F-1	19	POG4	
3701(a)(1)(iii)	Robbery-commit/threaten any F-1 or F-2	F-1	13	POG4	
3701(a)(1)(iii)	Robbery-commit/threaten any F-1 or F-2 (drug-related)	F-1	16	POG4	
3701(a)(1)(iv)	Robbery-inflicts/threatens BI (drug-related)	F-1	12	POG3	
3701(a)(1)(v)	Robbery-takes property by force	F-3	8	POG2	
3701(a)(1)(v)	Robbery-takes property by force (drug-related)	F-1	9	POG3	
3702(a)*	Robbery of motor vehicle-with SBI	F-1	21	POG4	
3702(a)*	Robbery of motor vehicle-without SBI	F-1	14	POG4	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (anhydrous ammonia)	F-2	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (disaster)	F-2	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (firearm)	F-2	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (=>\$500,000)	F-1	12	POG3	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (\$100,000-<\$500,000)	F-2	10	POG3	
3921(a)*	Theft by unlaw <u>ful</u> taking-movable property (>\$25,000-<\$100,000)	F-3	9	POG2	
3921(a)*	Theft by unlaw <u>ful</u> taking-movable property (motorized vehicle)	F-3	9	POG2	
3921(a)*	Theft by unlaw <u>ful</u> taking-movable property (>\$2,000-\$25,000)	F-3	8	POG2	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (\$200-\$2,000/no threat)	M-1	6	POG1	
3921(a)	Theft by unlaw <u>ful</u> taking-movable property (\$50-<\$200/no threat)	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (anhydrous ammonia)	F-2	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (disaster)	F-2	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (firearm)	F-2	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (=>\$500,000)	F-1	12	POG3	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (\$100,000-<\$500,000)	F-2	10	POG3	
3921(b)*	Theft by unlaw <u>ful</u> taking-immovable property (>\$25,000-<\$100,000)	F-3	9	POG2	
3921(b)*	Theft by unlaw <u>ful</u> taking-immovable property (motorized vehicle)	F-3	9	POG2	
3921(b)*	Theft by unlaw <u>ful</u> taking-immovable property (>\$2,000-\$25,000)	F-3	8	POG2	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (\$200-\$2,000/no threat)	M-1	6	POG1	
3921(b)	Theft by unlaw <u>ful</u> taking-immovable property (\$50-<\$200/no threat)	M-2	5	POG1	
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	12	POG3	
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	12	POG3	
3922(a)(1)	Theft by deception-false impression (=>\$500,000)	F-1	12	POG3	
3922(a)(1)	Theft by deception-false impression (\$100,000-<\$500,000)	F-2	10	POG3	
3922(a)(1)*	Theft by deception-false impression (>\$25,000-<\$100,000)	F-3	9	POG2	
3922(a)(1)*	Theft by deception-false impression (motorized vehicle)	F-3	9	POG2	
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000)	F-3	8	POG2	
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	6	POG1	
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	5	POG1	
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	12	POG3	
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	12	POG3	
3922(a)(2)	Theft by deception-conceal information (=>\$500,000)	F-1	12	POG3	
3922(a)(2)	Theft by deception-conceal information (\$100,000-<\$500,000)	F-2	10	POG3	
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-<\$100,000)	F-3	9	POG2	
3922(a)(2)*	Theft by deception-conceal information (motorized vehicle)	F-3	9	POG2	
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000)	F-3	8	POG2	
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	6	POG1	
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	5	POG1	
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	12	POG3	
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	12	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3922(a)(3)	Theft by deception-fail to correct (=>\$500,000)	F-1	12	POG3	
3922(a)(3)	Theft by deception-fail to correct (\$100,000-<\$500,000)	F-2	10	POG3	
3922(a)(3)*	Theft by deception-fail to correct (>\$25,000-<\$100,000)	F-3	9	POG2	
3922(a)(3)*	Theft by deception-fail to correct (motorized vehicle)	F-3	9	POG2	
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000)	F-3	8	POG2	
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	6	POG1	
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	5	POG1	
3922.1(a)	Financial exploitation of older adult/care dependent person (=>\$500,000)	F-1	12	POG3	
3922.1(a)	Financial exploitation of older adult/care dependent person (course of conduct)	F-1	12	POG3	
3922.1(a)	Financial exploitation of older adult/care dependent person (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	12	POG3	
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	12	POG3	
3923(a)(1)	Theft by extortion-commit crime (=>\$500,000)	F-1	12	POG3	
3923(a)(1)	Theft by extortion-commit crime (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(1)*	Theft by extortion-commit crime (motorized vehicle)	F-3	9	POG2	
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	12	POG3	
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	12	POG3	
3923(a)(2)	Theft by extortion-accuse of crime (=>\$500,000)	F-1	12	POG3	
3923(a)(2)	Theft by extortion-accuse of crime (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-<\$100,000 [ /or motorized vehicle ] )	F-3	9	POG2	
<b>3923(a)(2)*</b>	<b><u>Theft by extortion-accuse of crime (motorized vehicle)</u></b>	<b>F-3</b>	<b>9</b>	<b>POG2</b>	
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	12	POG3	
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	12	POG3	
3923(a)(3)	Theft by extortion-expose secret (=>\$500,000)	F-1	12	POG3	
3923(a)(3)	Theft by extortion-expose secret (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(3)*	Theft by extortion-expose secret (motorized vehicle)	F-3	9	POG2	
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	6	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	12	POG3	
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	12	POG3	
3923(a)(4)	Theft by extortion-official action (=>\$500,000)	F-1	12	POG3	
3923(a)(4)	Theft by extortion-official action (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(4)*	Theft by extortion-official action (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(4)*	Theft by extortion-official action (motorized vehicle)	F-3	9	POG2	
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000 )	F-3	8	POG2	
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	12	POG3	
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	12	POG3	
3923(a)(5)	Theft by extortion-strike/boycott (=>\$500,000)	F-1	12	POG3	
3923(a)(5)	Theft by extortion-strike/boycott (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(5)*	Theft by extortion-strike/boycott (motorized vehicle)	F-3	9	POG2	
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000)	F-3	[ 7 ] 8	POG2	
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	12	POG3	
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	12	POG3	
3923(a)(6)	Theft by extortion-testimony (=>\$500,000)	F-1	12	POG3	
3923(a)(6)	Theft by extortion-testimony (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(6)*	Theft by extortion-testimony (motorized vehicle)	F-3	9	POG2	
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000)	F-3	8	POG2	
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	6	POG1	
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	5	POG1	
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	12	POG3	
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	12	POG3	
3923(a)(7)	Theft by extortion-inflict harm (=>\$500,000)	F-1	12	POG3	
3923(a)(7)	Theft by extortion-inflict harm (\$100,000-<\$500,000)	F-2	10	POG3	
3923(a)(7)*	Theft by extortion-inflict harm (>\$25,000-<\$100,000)	F-3	9	POG2	
3923(a)(7)*	Theft by extortion-inflict harm (motorized vehicle)	F-3	9	POG2	
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000)	F-3	[ 7 ] 8	POG2	
<b>3923(a)(7)</b>	<b>Theft by extortion-inflict harm (\$200-&lt;\$2000/no threat)</b>	<b>M-1</b>	<b>6</b>	<b>POG1</b>	
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	5	POG1	
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	12	POG3	
3924	Theft of property-lost/mislaid (firearm)	F-2	12	POG3	
3924	Theft of property-lost/mislaid (=>\$500,000)	F-1	12	POG3	
3924	Theft of property-lost/mislaid (\$100,000-<\$500,000)	F-2	10	POG3	
3924*	Theft of property-lost/mislaid (>\$25,000-<\$100,000)	F-3	9	POG2	
3924*	Theft of property-lost/mislaid (motorized vehicle)	F-3	9	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000)	F-3	8	POG2	
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	6	POG1	
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	5	POG1	
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	12	POG3	
3925(a)	Theft by receiving stolen property (disaster)	F-2	12	POG3	
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	13	POG3	
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	12	POG3	
3925(a)	Theft by receiving stolen property (=>\$500,000)	F-1	12	POG3	
3925(a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	10	POG3	
3925(a)	Theft by receiving stolen property (receiver in business)	F-3	9	POG2	
<b>[ 3925(a)*</b>	<b>Theft by receiving stolen property (&gt;\$25,000-&lt;\$100,000)</b>	<b>F-3</b>	<b>9</b>	<b>POG2 ]</b>	
3925(a)*	Theft by receiving stolen property (motorized vehicle)	F-3	9	POG2	
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000)	F-3	8	POG2	
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	6	POG1	
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	5	POG1	
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	12	POG3	
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	12	POG3	
3926(a)(1)	Theft of services-obtain service (=>\$500,000)	F-1	12	POG3	
3926(a)(1)	Theft of services-obtain service (\$100,000-<\$500,000)	F-2	10	POG3	
3926(a)(1)*	Theft of services-obtain service (>\$25,000-<\$100,000)	F-3	9	POG2	
3926(a)(1)*	Theft of services-obtain service (motorized vehicle)	F-3	9	POG2	
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000)	F-3	8	POG2	
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	6	POG1	
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	5	POG1	
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	12	POG3	
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	12	POG3	
3926(a)(1.1)	Theft of services-obtain telecommunications (=>\$500,000)	F-1	12	POG3	
3926(a)(1.1)	Theft of services-obtain telecommunications (\$100,000-<\$500,000)	F-2	10	POG3	
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-<\$100,000)	F-3	9	POG2	
3926(a)(1.1)*	Theft of services-obtain telecommunications (motorized vehicle)	F-3	9	POG2	
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000)	F-3	8	POG2	
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	6	POG1	
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	5	POG1	
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	12	POG3	
3926(b)	Theft of services-divert service (firearm)	F-2	12	POG3	
3926(b)	Theft of services-divert service (=>\$500,000)	F-1	12	POG3	
3926(b)	Theft of services-divert service (\$100,000-<\$500,000)	F-2	10	POG3	
3926(b)*	Theft of services-divert service (>\$25,000-<\$100,000)	F-3	9	POG2	
3926(b)*	Theft of services-divert service (motorized vehicle)	F-3	9	POG2	
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000)	F-3	8	POG2	
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	6	POG1	
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	5	POG1	
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	12	POG3	
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	12	POG3	
3927(a)	Theft by failure-req. disposition funds (=>\$500,000)	F-1	12	POG3	
3927(a)	Theft by failure-req. disposition funds (\$100,000-<\$500,000)	F-2	10	POG3	
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-<\$100,000)	F-3	9	POG2	
3927(a)*	Theft by failure-req. disposition funds (motorized vehicle)	F-3	9	POG2	
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000)	F-3	8	POG2	
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	6	POG1	
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	5	POG1	
3928(a)	Unauthorized use of auto	M-2	5	POG1	
3928(a)	Unauthorized use of auto (disaster)	F-2	12	POG3	
3929(a)(1)	Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	5	POG1	
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	7	POG2	
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	12	POG3	
3929(a)(2)	Retail theft-alter price (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	5	POG1	
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	7	POG2	
3929(a)(2)	Retail theft-alter price (disaster)	F-2	12	POG3	
3929(a)(3)	Retail theft-transfer container (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	5	POG1	
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	7	POG2	
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	12	POG3	
3929(a)(4)	Retail theft-under-rings (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	5	POG1	
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	12	POG3	
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2	
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	5	POG1	
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	5	POG1	
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	7	POG2	
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	12	POG3	
3929.1(a)	Library Theft (2nd off & <\$150)	M-2	5	POG1	
3929.1(a)	Library Theft (3rd/subsq off)	F-3	7	POG2	
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	10	POG3	
3930(a)(1)	Theft of trade secrets-by force	F-2	10	POG3	
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	10	POG3	
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	10	POG3	
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	7	POG2	
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	7	POG2	
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	8	POG2	
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	6	POG1	
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	5	POG1	
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	12	POG3	
3932(a)	Theft of leased property (firearm)	F-2	12	POG3	
3932(a)	Theft of leased property (=>\$500,000)	F-1	12	POG3	
3932(a)	Theft of leased property (\$100,000-<\$500,000)	F-2	10	POG3	
3932(a)*	Theft of leased property (>\$25,000-<\$100,000)	F-3	9	POG2	
3932(a)*	Theft of leased property (motorized vehicle)	F-3	9	POG2	
3932(a)*	Theft of leased property (>\$2,000-\$25,000)	F-3	8	POG2	
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	6	POG1	
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	5	POG1	
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	5	POG1	
3935.1(a)	Theft of secondary metal (\$50-<\$200)	M-2	5	POG1	
3935.1(a)	Theft of secondary metal (=>\$1,000)	F-3	7	POG2	
3935.1(a)	Theft of secondary metal (3rd/subsq offense)	F-3	7	POG2	
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	7	POG3	
4101(a)(1)	Forgery-altered writing (will/deed/other legal doc)	F-3	7	POG2	
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	7	POG3	
4101(a)(2)	Forgery-unauthorized writing (will/deed/other legal doc)	F-3	7	POG2	
4101(a)(3)	Forgery-utters forged writing (money/stocks/govt docs/etc.)	F-2	7	POG3	
4101(a)(3)	Forgery-utters forged writing (will/deed/other legal doc)	F-3	7	POG2	
4103	Fraudulent destruction of recordable instruments	F-3	7	POG2	
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	7	POG2	
4105(a)(1)	Bad checks-issues/passes check (\$500-<\$1,000)	M-2	5	POG1	
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	5	POG1	
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	5	POG1	
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	5	POG1	
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	7	POG2	
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	6	POG1	
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	7	POG2	
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	7	POG1	
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	7	POG2	
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	7	POG1	
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	7	POG2	
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	7	POG1	
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	7	POG2	
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	5	POG1	
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	7	POG2	
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	7	POG2	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	7	POG2	
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	7	POG2	
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	7	POG2	
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	7	POG2	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	7	POG2	
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	7	POG2	
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	7	POG2	
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt. unk)	M-2	5	POG1	
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3	
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2	
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	7	POG2	
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	7	POG2	
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	7	POG2	
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	7	POG2	
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	5	POG1	
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	5	POG1	
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	5	POG1	
4110	Defrauding secured creditors	M-2	5	POG1	
4111	Fraud in insolvency	M-2	5	POG1	
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	5	POG1	
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	5	POG1	
4112	Receiving deposits in failing financial institution	M-2	5	POG1	
4113(a)	Misapplication of entrusted property (>\$50)	M-2	5	POG1	
4114	Securing execution of documents by deception	M-2	5	POG1	
4115	Falsely impersonating persons privately employed	M-2	5	POG1	
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	7	POG2	
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	7	POG2	
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	7	POG2	
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	7	POG2	
4116(e)	Copying; recording devices-[ <b>mfr.</b> ] <b>manufacturer</b> name on packaging (100+ motion pict./1,000+ recordings)	F-3	7	POG2	
4116(e)	Copying; recording devices-[ <b>mfr.</b> ] <b>manufacturer</b> name on packaging (any other 2nd/subsq off)	F-3	7	POG2	
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	7	POG2	
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	7	POG2	
4117(a)(2)	Insurance fraud-false insurance claim	F-3	7	POG2	
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	7	POG2	
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	7	POG2	
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	7	POG2	
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	7	POG2	
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	7	POG2	
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	7	POG2	
4118	Washing vehicle titles	F-3	7	POG2	
4119(a)(1)	Trademark counterfeiting-[ <b>mfr.</b> ] <b>manufacturer</b> (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(1)	Trademark counterfeiting-[ <b>mfr.</b> ] <b>manufacturer</b> (2+ prev conv/[ <b>mfr.</b> ] <b>manufacture</b> of items/>=1,000 items/>\$10,000 value)	F-2	10	POG3	
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	

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4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/[ <b>mfr. ] <b>manufacture</b> of items/&gt;=1,000 items/&gt;\$10,000 value)</b>	F-2	10	POG3	
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/[ <b>mfr. ] <b>manufacture</b> of items/&gt;=1,000 items/&gt;\$10,000 value)</b>	F-2	10	POG3	
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/[ <b>mfr. ] <b>manufacture</b> of items/&gt;=1,000 items/&gt;\$10,000 value)</b>	F-2	10	POG3	
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/[ <b>mfr. ] <b>manufacture</b> of items/&gt;=1,000 items/&gt;\$10,000 value)</b>	F-2	10	POG3	
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/[ <b>mfr. ] <b>manufacture</b> of items/&gt;=1,000 items/&gt;\$10,000 value)</b>	F-2	10	POG3	
4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1,000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2	
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/[ <b>mfr. ] <b>manufacture</b> of items/&gt;=1,000 items/&gt;\$10,000 value)</b>	F-2	10	POG3	
4120(a)	Identity theft (>=\$2,000)	F-3	7	POG2	
4120(a)	Identity theft (furtherance of conspiracy)	F-3	7	POG2	
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs./care-dependent)	F-2	10	POG3	
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs./care-dependent)	F-3	7	POG2	
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs./care-dependent)	F-1	13	POG3	
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs./care-dependent)	F-2	10	POG3	
4120(a)	Identity theft (<\$2,000 and victim <18 yrs.)	F-3	7	POG2	
4120(a)	Identity theft (>=\$2,000 and victim <18 yrs.)	F-2	10	POG3	
4120(a)	Identity theft (3rd/subsq off and victim <18 yrs.)	F-1	13	POG3	
4120(a)	Identity theft (furtherance of conspiracy and victim <18 yrs.)	F-2	10	POG3	
4121(a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc.)	F-3	7	POG2	
4121(a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information)	F-3	7	POG2	
4121(a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device	F-3	7	POG2	
<b>PART II</b>	<b>ARTICLE D</b>				
4301(a)	Bigamy (by married person)	M-2	5	POG1	

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4301(b)	Bigamy (knowing other person committing bigamy)	M-2	5	POG1	
4302(a)	Incest (victim >18 yrs.)	F-2	13	POG4	
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	14	POG4	
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	14	POG4	
4303(a)	Concealing death of child	M-1	5	POG1	
4304(a)(1)	Endangering welfare of children-violate duty of care (child <6 yrs.)	F-3	10	POG2	
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	10	POG2	
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs.)	F-2	13	POG3	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI	F-3	10	POG2	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child < 6 yrs.)	F-2	13	POG3	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct)	F-2	13	POG3	
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child < 6 yrs.)	F-1	13	POG3	
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (child <6 yrs.)	F-3	8	POG2	
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	8	POG2	
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs.)	F-2	13	POG3	
<b>PART II</b>	<b>ARTICLE E</b>				
4702(a)(1)	Threats-to influence decision as public servant	M-2	5	POG1	
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	5	POG1	
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	5	POG1	
4703	Retaliation for past official action	M-2	5	POG1	
4902(a)	Perjury	F-3	7	POG2	
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	5	POG1	
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	5	POG1	
4903(b)	False swearing-statement required to be sworn	M-3	5	POG1	
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	5	POG1	
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	5	POG1	
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	5	POG1	
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	5	POG1	
4905(a)	False alarms to agency of public safety	M-1	5	POG1	
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	7	POG2	
4906(a)	False reports-falsely incriminate another	M-2	5	POG1	
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	5	POG1	

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4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	5	POG1	
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	5	POG1	
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	5	POG1	
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	5	POG1	
4906(b)(2)	False reports-fictitious report of information	M-3	5	POG1	
4906(b)(2)	False reports-fictitious report of information (report of theft/loss of firearm)	M-2	5	POG1	
4906(b)(2)	False reports-fictitious report of information (state of emergency)	M-2	5	POG1	
4906.1	False reports of child abuse	M-2	5	POG1	
4909	Witness or informant taking bribe	F-3	7	POG2	
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	5	POG1	
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	5	POG1	
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	5	POG1	
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	7	POG2	
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	5	POG1	
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	7	POG2	
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	5	POG1	
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	7	POG2	
4912	Impersonating a public servant	M-2	5	POG1	
4913(a)	Impersonating a notary public	M-2	5	POG1	
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	5	POG1	
4913(a)	Impersonating a doctor of medicine (provides medical advice or treatment)	M-1	5	POG1	
4914(a)	False identification to law enforcement authorities	M-3	5	POG1	
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	12	POG3	
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-15 yr. registration (2nd/subsq off)	F-2	13	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a)(2)	Fail to verify address/be photographed-lifetime registration (2nd/subsq off)	F-1	16	POG3	

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4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	12	POG3	
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	15	POG3	
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	15	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	13	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-15 yr. registration (2nd/subsq off)	F-2	13	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-25 yr. registration (1st off)	F-2	12	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-25 yr. registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-lifetime registration (1st off)	F-2	12	POG3	
4915.1(a.1)(2)	Fail to verify address/be photographed: transient-lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	12	POG3	
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	15	POG3	
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	15	POG3	
4915.2(a)(1)	Fail to register with PSP: 10-year registration (2nd/subsq off)	F-2	12	POG3	
4915.2(a)(1)	Fail to register with PSP: lifetime registration	F-2	12	POG3	
4915.2(a)(1)	Fail to register with PSP: lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.2(a)(2)	Fail to verify address/be photographed: 10-year registration (2nd/subsq off)	F-2	13	POG3	
4915.2(a)(2)	Fail to verify address/be photographed: lifetime registration	F-2	12	POG3	
4915.2(a)(2)	Fail to verify address/be photographed: lifetime registration (2nd/subsq off)	F-1	16	POG3	
4915.2(a)(3)	Fail to provide accurate information: 10-year registration	F-2	12	POG3	
4915.2(a)(3)	Fail to provide accurate information: lifetime registration	F-1	15	POG3	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	13	POG3	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	10	POG2	
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	7	POG1	

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4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	13	POG3	
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	10	POG2	
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	7	POG1	
4952(a)(3)	Intimidation of witness/victim-withhold information, (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	13	POG3	
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	10	POG2	
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	7	POG1	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	13	POG3	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	10	POG2	
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	7	POG1	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	13	POG3	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	10	POG2	
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	7	POG1	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/murder 1 or 2)	F-1	18	POG3	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	13	POG3	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	10	POG2	
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	7	POG1	
4953(a)	Retaliation against witness/victim-listed factor	F-3	12	POG2	
4953(a)	Retaliation against witness/victim-general	M-2	7	POG1	
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	13	POG3	
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	9	POG1	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc.	M-2	7	POG1	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)	F-2	10	POG3	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (benefit)	F-2	10	POG3	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp.)	F-2	10	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (other person)	F-2	10	POG3	
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report	M-2	7	POG1	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)	F-2	10	POG3	
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information	M-2	7	POG1	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (benefit)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (other person)	F-2	10	POG3	
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (prior conv)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information	M-2	7	POG1	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (force, etc.)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (benefit)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (other person)	F-2	10	POG3	
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (prior conv)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process	M-2	7	POG1	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (force)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (benefit)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (other person)	F-2	10	POG3	
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (prior conv)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process	M-2	7	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (force)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (benefit)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (furtherance consp.)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (other person)	F-2	10	POG3	
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (prior conv)	F-2	10	POG3	
4958(b)	Retaliation child abuse cases	M-2	7	POG1	
4958(b)	Retaliation child abuse cases (force)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (benefit)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (furtherance consp.)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (other person)	F-2	12	POG3	
4958(b)	Retaliation child abuse cases (prior conv)	F-2	12	POG3	
4958(b.1)	Obstruction child abuse cases	M-2	7	POG1	
4958(b.1)	Obstruction child abuse case (force)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (benefit)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (furtherance consp.)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (other person)	F-2	10	POG3	
4958(b.1)	Obstruction child abuse cases (prior conv)	F-2	10	POG3	
5101	Obstructing admin. of law/other govt. function	M-2	5	POG1	
5102(a)	Obstructing/impeding justice by picketing	M-2	5	POG1	
5103	Unlawfully listening into deliberations of jury	M-3	5	POG1	
5103.1(a)	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area	M-2	5	POG1	
5103.1(a)	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2nd/subsq)	M-1	7	POG1	
5104	Resisting arrest, etc.	M-2	5	POG1	
5104.1(a)	Disarming law enforcement officer	F-3	7	POG2	
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	5	POG1	
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	5	POG1	
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	5	POG1	
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	5	POG1	
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F-1/F-2)	F-3	7	POG2	
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	5	POG1	
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F-1/F-2)	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5107(a)	Aiding consummation of crime	M-2	5	POG1	
5107(a)	Aiding consummation of crime (principal off is F-1/F-2)	F-3	7	POG2	
5108(a)	Compounding	M-2	5	POG1	
5110	Contempt of General Assembly	M-3	5	POG1	
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	12	POG3	
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	12	POG3	
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	12	POG3	
5112(a)	Obstructing emergency services	M-3	5	POG1	
5121(a)	Permitting/facilitating escape	M-2	6	POG1	
5121(a)	Escape	M-2	6	POG1	
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	8	POG2	
5121(a)*	Escape (all other specified escapes)	F-3	9	POG2	
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	8	POG2	
5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	9	POG2	
5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	12	POG1	
5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	8	POG1	
5123(a)	Contraband-provide controlled substance to inmate	F-2	10	POG3	
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	10	POG3	
5123(b)	Contraband-provide money to inmate	M-3	5	POG1	
5124(a)	Default in required appearance (felony)	F-3	7	POG2	
5124(a)	Default in required appearance (non-felony)	M-2	5	POG1	
5126(a)	Flight to avoid apprehension (felony)	F-3	7	POG2	
5126(a)	Flight to avoid apprehension (misd.)	M-2	5	POG1	
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs.)	M-2	5	POG1	
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs.)	F-3	8	POG2	
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs.)	F-3	8	POG2	
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs.)	F-2	10	POG3	
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	5	POG1	
5301(2)	Official oppression-denies another enjoyment of rights	M-2	5	POG1	
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	5	POG1	
5302(2)	Speculating/wagering on official action-speculates on information	M-2	5	POG1	
5302(3)	Speculating/wagering on official action-aids another	M-2	5	POG1	
<b>PART II</b>	<b>ARTICLE F</b>				
5501(1)	Riot-intent to commit felony/misd.	F-3	7	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5501(2)	Riot-intent to prevent/coerce official action	F-3	7	POG2	
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	7	POG2	
5502	Failure to disperse upon official order	M-2	5	POG1	
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	5	POG1	
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	5	POG1	
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	5	POG1	
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	5	POG1	
5506	Loitering and prowling at night time	M-3	5	POG1	
5507(a)	Obstructing highway, etc.-after warning	M-3	5	POG1	
5508	Disrupting meetings and processions	M-3	5	POG1	
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	5	POG1	
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	5	POG1	
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	5	POG1	
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	6	POG1	
5510	Abuse of corpse	M-2	7	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI)	M-2	6	POG1	
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI)	M-2	6	POG1	
5534(a)(1)	Aggravated cruelty to animal-tortures animal	F-3	8	POG2	
5534(a)(2)*	Aggravated cruelty to animal-violates 5532 (cause SBI/death)	F-3	9	POG2	
5534(a)(2)*	Aggravated cruelty to animal-violates 5533 (cause SBI/death)	F-3	9	POG2	
5543(1)	Animal fighting (for amusement/gain)	F-3	8	POG2	
5543(2)	Animal fighting (receives compensation)	F-3	8	POG2	
5543(3)	Animal fighting (owns fighting animal)	F-3	8	POG2	
5543(4)	Animal fighting (encourage/aid/assist)	F-3	8	POG2	
5543(5)	Animal fighting (wagers on fight outcome)	F-3	8	POG2	
5543(6)	Animal fighting (pays admission)	F-3	8	POG2	
5543(7)	Animal fighting (permits use of animal for fight)	F-3	8	POG2	
5548(a)	Police animals-illegal to taunt	F-3	8	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5549(a)	Assault with biological agent on animal/fowl/honey bees	F-2	10	POG3	
5512(b)(1)	Lotteries-set up unlawful game	M-1	6	POG1	
5512(b)(2)	Lotteries-manuf[ . ] <b>acture</b> /etc. unlawful tickets	M-1	6	POG1	
5512(b)(3)	Lotteries-publish advertisement	M-1	6	POG1	
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	8	POG2	
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. [ <b>wh /</b> ] <b>that</b> deals w/ emergency	F-3	8	POG2	
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	8	POG2	
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	8	POG2	
5703	Interception of wire/oral communication	F-3	7	POG2	
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	7	POG2	
5703(2)	Interception of wire/oral communication-discloses contents	F-3	7	POG2	
5703(3)	Interception of wire/oral communication-use contents	F-3	7	POG2	
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	7	POG2	
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	7	POG2	
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	7	POG2	
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	7	POG2	
5719	Unlawful use of order concerning intercepted communications	M-2	5	POG1	
5741(a)(1)	Unlawf[ . ] <b>ful</b> access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	5	POG1	
5741(a)(2)	Unlawf[ . ] <b>ful</b> access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	5	POG1	
5902(a)(1)	Prostitution-business (3rd off)	M-2	6	POG1	
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	10	POG2	
5902(a)(2)	Prostitution (3rd off)	M-2	6	POG1	
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	10	POG2	
5902(b)(1)	Promoting prostitution-own house/business	F-3	8	POG2	
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	8	POG2	
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	8	POG2	
5902(b)(4)	Promoting prostitution-solicit patron	M-2	6	POG1	
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	8	POG2	
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	8	POG2	
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	6	POG1	
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	8	POG2	
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	8	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	8	POG2	
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	6	POG1	
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	8	POG2	
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	8	POG2	
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	6	POG1	
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	8	POG2	
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	8	POG2	
5902(b)(8)	Promoting prostitution-receive benefit	M-2	6	POG1	
5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	8	POG2	
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	8	POG2	
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	8	POG2	
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs.)	F-3	13	POG3	
5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs.)	F-3	13	POG3	
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs.)	F-3	13	POG3	
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs.)	F-3	13	POG3	
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs.)	F-3	13	POG3	
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs.)	F-3	13	POG3	
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs.)	F-3	13	POG3	
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs.)	F-3	10	POG3	
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs.)	F-3	13	POG3	
5902(d)	Living off prostitutes	M-2	6	POG1	
5902(d)	Living off prostitutes (compel)	F-3	8	POG2	
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	8	POG2	
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	8	POG2	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5902(e)	Patronizing prostitutes (3rd off)	M-2	6	POG1	
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	10	POG2	
5903(a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	8	POG3	
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	8	POG3	
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	8	POG3	
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	8	POG3	
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	10	POG3	
5903(a)(7)	Obscene materials-deliver to [ <b>correctnl</b> ] <b>correctional</b> facility (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	8	POG2	
5903(a)(9)	Obscene materials-permit into [ <b>correctnl</b> ] <b>correctional</b> inst (2nd/subsq off or for resale)	F-3	8	POG2	
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	8	POG2	
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	10	POG3	
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	8	POG2	
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	10	POG3	
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	8	POG2	
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	10	POG3	
5904	Public exhibition of insane/deformed person	M-2	5	POG1	
<b>PART II</b>	<b>ARTICLE G</b>				
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1))	F-2	15	POG3	
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	18	POG3	
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	18	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1))	F-2	14	POG3	
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	16	POG3	
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	16	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	5	POG1	
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	2	POG1	
6105(a)(1)	Firearms-persons not to possess: fail to relinquish w/PFA ((a.1)(2))	M-2	7	POG1	
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) ((a.1)(5))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (loaded/ammo available) ((c)(2))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (unloaded/no ammo available) ((c)(2))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))	M-2	9	POG1	
6105(a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	M-2	7	POG1	
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))	M-1	9	POG3	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))	M-1	7	POG3	
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))	M-1	9	POG3	
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))	M-1	7	POG3	
6105.2(a)(1)	Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons	M-2	7	POG1	
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	13	POG3	
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	10	POG3	
6106(a)(1)*	Firearms-carried w/o license: eligible and criminal act (loaded/ammo available)	F-3	13	POG3	
6106(a)(1)*	Firearms-carried w/o license: eligible and criminal act (unloaded/no ammo available)	F-3	10	POG3	
6106(a)(2)*	Firearms-carried w/o license: eligible and no other criminal act (loaded/ammo available)	M-1	7	POG3	
6106(a)(2)*	Firearms-carried w/o license: eligible and no other criminal act (unloaded/no ammo available)	M-1	7	POG3	
6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	7	POG3	
6108*	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	7	POG3	
6110.1(c)	Firearms-delivery to minor by adult	F-3	10	POG3	
6110.2(a)*	Firearms-possession w/ altered [ <b>mfr. num. ]</b> <b>manufacturer number</b> (loaded/ammo available)	F-2	15	POG3	
6110.2(a)*	Firearms-possession w/ altered [ <b>mfr. num. ]</b> <b>manufacturer number</b> (unloaded/no ammo available)	F-2	13	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	5	POG1	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	13	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	12	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of <b>criminal</b> history)	F-3	7	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	12	POG3	
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful <b>criminal</b> history request)	F-3	7	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o <b>criminal</b> history check	M-2	5	POG1	
6111(a)(2)	Firearms-sale/transfer: deliver w/o <b>criminal</b> history check (2nd/subsq off)	F-2	13	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o <b>criminal</b> history check (false statements)	F-3	12	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o <b>criminal</b> history check (inappropriate use of <b>criminal</b> history)	F-3	7	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o <b>criminal</b> history check (sell to ineligible)	F-3	12	POG3	
6111(a)(2)	Firearms-sale/transfer: deliver w/o <b>criminal</b> history check (unlawful <b>criminal</b> history request)	F-3	7	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	5	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	13	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	12	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of <b>criminal</b> history)	F-3	7	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	12	POG3	
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful <b>criminal</b> history request)	F-3	7	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	5	POG1	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	13	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	12	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of <b>criminal</b> history)	F-3	7	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	12	POG3	
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful <b>criminal</b> history request)	F-3	7	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	5	POG1	
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	13	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	12	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of <b>criminal</b> history)	F-3	7	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	12	POG3	
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful <b>criminal</b> history request)	F-3	7	POG3	
6111(g)(1)	Firearms-sale/transfer: knowing sale/violate § 6111	M-2	5	POG1	
6111(g)(1)	Firearms-sale/transfer: knowing sale/violate § 6111 (2nd/subsq off)	F-2	13	POG3	
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person	F-3	12	POG3	
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off)	F-2	13	POG3	
6111(g)(4)(i)	Firearms-sale/transfer: materially false oral statement	F-3	12	POG3	
6111(g)(4)(i)	Firearms-sale/transfer: materially false oral statement (2nd/subsq off)	F-2	13	POG3	
6111(g)(4)(ii)	Firearms-sale/transfer: materially false written statement	F-3	12	POG3	
6111(g)(4)(ii)	Firearms-sale/transfer: materially false written statement (2nd/subsq off)	F-2	13	POG3	
6111(g)(4)(iii)	Firearms-sale/transfer: willfully furnishes/exhibits false ID	F-3	12	POG3	
6111(g)(4)(iii)	Firearms-sale/transfer: willfully furnishes/exhibits false ID (2nd/subsq off)	F-2	13	POG3	
6117(a)	Firearms-alter [ <b>mfr.</b> ] <b>manufacturer</b> number/ID	F-2	10	POG3	
6121(a)	Firearms-certain bullets prohibited	F-3	7	POG3	
6161(a)	Carrying explosives on conveyances	M-2	7	POG1	
6162(a)	Shipping explosives	M-3	7	POG1	

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6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	10	POG3	
6310.2(a)	Manufacture/sale of false ID card	M-2	5	POG1	
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	5	POG1	
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	5	POG1	
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs.)	F-2	12	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (10-<13 yrs.)	F-2	13	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<10 yrs. or determination of prepubescence)	F-1	17	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs.)	F-1	15	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (10-<13 yrs.)	F-1	17	POG3	E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<10 yrs. or determination of prepubescence)	F-1	18	POG3	E
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs.) (1st off)	F-3	9	POG3	E
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs.) (2nd/subsq off)	F-2	10	POG3	E
6312(c)*	Sexual abuse of children-dissemination (10-<13 yrs.) (1st off)	F-3	10	POG3	E
6312(c)*	Sexual abuse of children-dissemination (10-<13 yrs.) (2nd/subsq off)	F-2	12	POG3	E
6312(c)*	Sexual abuse of children-dissemination (<10 yrs. or determination of prepubescence) (1st off)	F-2	14	POG3	E
6312(c)*	Sexual abuse of children-dissemination (<10 yrs. or determination of prepubescence) (2nd/subsq off)	F-2	15	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs.) (1st offense)	F-2	13	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs.) (2nd/subsq offense)	F-2	14	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs. or determination of prepubescence) (1st offense)	F-2	14	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs. or determination of prepubescence) (2nd/subsq offense)	F-2	15	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<10 yrs. or determination of prepubescence) (1st offense)	F-2	15	POG3	E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<10 yrs. or determination of prepubescence) (2nd/subsq offense)	F-2	16	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs.) (1st off)	F-3	9	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs.) (2nd/subsq off)	F-2	10	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (10-<13 yrs.) (1st off)	F-3	10	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (10-<13 yrs.) (2nd/subsq off)	F-2	12	POG3	E

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
6312(d)*	Sexual abuse of children-possess child pornography (<10 yrs. or determination of prepubescence) (1st off)	F-2	14	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography (<10 yrs. or determination of prepubescence) (2nd/subsq off)	F-2	15	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18 yrs.) (1st offense)	F-2	13	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18 yrs.) (2nd/subsq offense)	F-2	14	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs.) (1st offense)	F-2	14	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs.) (2nd/subsq offense)	F-2	15	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<10 yrs. or determination of prepubescence) (1st offense)	F-2	15	POG3	E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<10 yrs. or determination of prepubescence) (2nd/subsq offense)	F-2	16	POG3	E
6318(a)(1)	Unlawful contact with minor-sexual offenses (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 10, whichever is greater	Same as underlying offense	
6318(a)(1)	Unlawful contact with minor-sexual offenses (underlying offense <F-3)	F-3	10	POG3	
6318(a)(2)	Unlawful contact with minor-open lewdness (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(2)	Unlawful contact with minor-open lewdness (underlying offense <F-3)	F-3	9	POG3	
6318(a)(3)	Unlawful contact with minor-prostitution (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(3)	Unlawful contact with minor-prostitution (underlying offense <F-3)	F-3	9	POG3	

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6318(a)(4)	Unlawful contact with minor-sexual materials (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(4)	Unlawful contact with minor-sexual materials (underlying offense <F-3)	F-3	9	POG3	
6318(a)(5)	Unlawful contact with minor-sexual abuse (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(5)	Unlawful contact with minor-sexual abuse (underlying offense <F-3)	F-3	9	POG3	
6318(a)(6)	Unlawful contact with minor-sexual exploitation (underlying offense = F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense	
6318(a)(6)	Unlawful contact with minor-sexual exploitation (underlying offense <F-3)	F-3	9	POG3	
6319(a)	Solicitation of minors to traffic drugs-general	F-2	13	POG3	
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	16	POG3	
6320	Sexual exploitation of children	F-2	13	POG3	
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs.)	M-3	5	POG1	
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	7	POG1	
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	7	POG1	
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	7	POG1	
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	5	POG1	
6504	Public nuisances	M-2	5	POG1	
7302(a)	Sale of solidified alcohol	M-2	5	POG1	
7307	Out-of-state convict made goods-sell/exchange	M-2	5	POG1	
7308(a)	Unlawful advertising of insurance business	M-2	5	POG1	
7313(a)	Buying/exchanging SNAP benefits (>=\$1,000)	F-3	7	POG2	
7314(a)	Fraudulent traffic in SNAP benefits (>=\$2,500)	F-2	10	POG3	
7314(a)	Fraudulent traffic in SNAP benefits (\$1,000-<\$2,500)	F-3	7	POG2	
7321(a)	Lie detector tests-require for employment	M-2	5	POG1	

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7323	Discrimination on account of U.S. Armed Forces uniform	M-2	5	POG1	
7507	Breach of privacy-use stress monitor w/o consent	M-2	5	POG1	
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	5	POG1	
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	7	POG1	
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	5	POG1	
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	7	POG1	
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	5	POG1	
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	7	POG1	
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	12	POG3	
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1,000 ft of school)	F-1	13	POG3	
7510(a)	Municipal housing code avoidance (4th off)	M-2	5	POG1	
7512(a)	Criminal use of communication facility	F-3	7	POG2	
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	10	POG2	
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	10	POG2	
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	10	POG2	
7612(a)	Disruption of computer service	F-3	10	POG2	
7613(a)	Computer theft	F-3	10	POG2	
7614(a)	Unlawful duplication (>\$2,500)	F-2	10	POG3	
7614(a)	Unlawful duplication (<=\$2,500)	F-3	10	POG2	
7615(a)(1)	Computer trespass-remove data/programs	F-3	10	POG2	
7615(a)(2)	Computer trespass-cause malfunction	F-3	10	POG2	
7615(a)(3)	Computer trespass-alter/erase data	F-3	10	POG2	
7615(a)(4)	Computer trespass-transfer funds	F-3	10	POG2	
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	10	POG2	
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	10	POG2	
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	10	POG2	
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	5	POG1	
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	8	POG2	
7661(a)(1)	Unlaw[ . ]ful transmis. email-forge/falsify (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(1)	Unlaw[ . ]ful transmis. email-forge/falsify (reckless damage; >=\$2,500)	M-1	8	POG1	
7661(a)(2)(i)	Unlaw[ . ]ful transmis. email-sell software to falsify (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(2)(i)	Unlaw[ . ]ful transmis. email-sell software to falsify (reckless damage; >=\$2,500)	M-1	8	POG1	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
7661(a)(2)(ii)	Unlaw[. ]ful transmis. email-sell software w/ limited purpose (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(2)(ii)	Unlaw[. ]ful transmis. email-sell software w/ limited purpose (reckless damage; >=\$2,500)	M-1	8	POG1	
7661(a)(2)(iii)	Unlaw[. ]ful transmis. email-sell software known to falsify (malicious damage; >=\$2,500)	F-3	10	POG2	
7661(a)(2)(iii)	Unlaw[. ]ful transmis. email-sell software known to falsify (reckless damage; >=\$2,500)	M-1	8	POG1	
7702(1)	Owning/operating/conducting a chop shop	F-2	10	POG3	
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	10	POG3	
7703	Altered or illegally obtained property-vehicle ID num	F-3	8	POG2	
7704	Altered or illegally obtained property-disposition	F-3	8	POG2	

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
5502.1(a)	Homicide by watercraft while operating under influence	F-2	17	POG3	M
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	12	POG1	
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	10	POG1	
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	16	POG3	
5502.4(a)	Aggravated assault by watercraft (SBI)	F-3	11	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	7	POG1	
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	8	POG1	
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	7	POG1	
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	8	POG1	
(a)(3)	False/misleading advertisement (1st off)	M	7	POG1	
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	8	POG1	
(a)(4)	Removal/disposal-detained substance (1st off)	M	8	POG1	
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	8	POG1	
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	7	POG1	
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	8	POG1	
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	8	POG1	
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	8	POG1	
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	8	POG1	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	8	POG1	
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	8	POG1	
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	8	POG1	
(a)(9)	Selling trademark equipment to defraud (1st off)	M	8	POG1	
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	8	POG1	
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	7	POG1	
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	8	POG1	
(a)(11)	Illegal pharmacy operations (1st off)	M	8	POG1	
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	8	POG1	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1,000 pills)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1,000 pills)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1,000 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	9	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1,000 lbs.)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5,000 plants)	F	16	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1,000 lbs.)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5,000 plants)	F	12	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	10	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	10	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	7	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	7	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	8	POG2	
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	7	POG1	
(a)(13)	Dispense drugs to dependent person (1st off)	M	7	POG1	
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	8	POG1	
(a)(14)*	Delivery by practitioner-heroin (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-heroin (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (≥100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (50-<100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (10-<50 g)	F	18	POG2	
	Distribution to minors (35 P.S. § 780-114)		22	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (1-<10 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (<1 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1,000 pills)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1,000 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-cocaine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-cocaine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-PCP (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-PCP (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-MDMA (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-MDMA (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-marijuana (>1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (>5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (50-1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (51-5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	8	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
(a)(14)*	Delivery by practitioner-Sched I	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched II	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched III	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched IV	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
(a)(14)*	Delivery by practitioner-Sched V	M	7	POG1	
	Distribution to minors (35 P.S. § 780-114)		8	POG1	
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	7	POG1	
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	8	POG1	
(a)(16)	Simple possession (1st off)	M	5	POG1	
(a)(16)	Simple possession (2nd/subsq off)	M	6	POG1	
(a)(16)	Simple possession-GHB (1st off)	F	8	POG2	
(a)(16)	Simple possession-GHB (2nd/sub off)	F	8	POG2	
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	7	POG1	
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	8	POG1	
(a)(18)	Illegal sale container (1st off)	M	7	POG1	
(a)(18)	Illegal sale container (2nd/subsq off)	M	8	POG1	
(a)(19)	Intentional unauthorized purchase (1st off)	M	7	POG1	
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	8	POG1	
(a)(20)	Divulging trade secret (1st off)	M	7	POG1	
(a)(20)	Divulging trade secret (2nd/subsq off)	M	8	POG1	
(a)(21)	Failure to keep records (1st off)	M	5	POG1	
(a)(21)	Failure to keep records (2nd/subsq off)	M	6	POG1	
(a)(22)	Refusal of inspection (1st off)	M	5	POG1	
(a)(22)	Refusal of inspection (2nd/subsq off)	M	6	POG1	
(a)(23)	Unauthorized removal of seals	M	8	POG1	
(a)(24)	Failure to obtain license (1st off)	M	5	POG1	
(a)(24)	Failure to obtain license (2nd/subsq off)	M	6	POG1	
(a)(25)	Manufacture by unauthorized party	M	8	POG1	
(a)(26)	Distribution by registrant of Schedule I or II	M	8	POG1	
(a)(27)	Use of fictitious registration number	M	8	POG1	
(a)(28)	Furnish false application material	M	8	POG1	
(a)(29)	Production of counterfeit trademarks equipment	M	8	POG1	
(a)(30)*	Possession with intent to deliver-heroin (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-heroin (100-1,000 g)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (>=100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		24	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (50-<100 g)	F	22	POG2	
	Distribution to minors (35 P.S. § 780-114)		24	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		24	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (10-<50 g)	F	18	POG2	
	Distribution to minors (35 P.S. § 780-114)		22	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		22	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (1-<10 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (<1 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1,000 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1,000 pills)	F	16	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-PCP (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-PCP (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (>1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (100-1,000 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	16	POG2	
	Distribution to minors (35 P.S. § 780-114)		17	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	9	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (>1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (>5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (50-1,000 lbs.)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (51-5,000 plants)	F	12	POG2	
	Distribution to minors (35 P.S. § 780-114)		13	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		11	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		8	POG2	
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	7	POG2	
	Distribution to minors (35 P.S. § 780-114)		8	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		8	POG2	
(a)(30)*	Possession with intent to deliver-Sched I (>=100 g)	F	10	POG2	
	Distribution to minors (35 P.S. § 780-114)		12	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2	
(a)(30)*	Possession with intent to deliver-Sched I (<100 g)	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched II	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched III	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched IV	F	8	POG2	
	Distribution to minors (35 P.S. § 780-114)		10	POG2	
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2	
(a)(30)*	Possession with intent to deliver-Sched V	M	7	POG1	
	Distribution to minors (35 P.S. § 780-114)		8	POG1	
	Second or subsequent offense (35 P.S. § 780-115)		8	POG1	
(a)(31)(i)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	2	POG1	
(a)(31)(ii)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	2	POG1	
(a)(31)(iii)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	2	POG1	
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs. or more junior	M-2	7	POG1	
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	7	POG1	
(a)(34)	Place ad for sale of drug paraphernalia	M	2	POG1	
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	8	POG2	
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	8	POG2	
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	8	POG2	
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	8	POG2	
(a)(36)	Possession w/ intent to deliver-designer drugs	F	8	POG2	
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	7	POG1	
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	8	POG1	
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	13	POG3	

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	10	POG2	
(a)(39)	Possess ephedrine, etc. w/ intent to manuf[ . ] <b>acture</b> methamphetamine (1st off)	M	5	POG1	
(a)(39)	Possess ephedrine, etc. w/ intent to manuf[ . ] <b>acture</b> methamphetamine (2nd/subsq off)	M	6	POG1	
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	5	POG1	
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	5	POG1	

<i>35 P.S. § 780-113.1</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	7	POG1	
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	7	POG1	
(a)(2)	Possess liquefied ammonia-intent to manuf[ . ] <b>acture</b> controlled substance	F	8	POG2	
(a)(3)	Possess red phosphorous-intent to manuf[ . ] <b>acture</b> controlled substance	F	8	POG2	
(a)(4)	Possess esters/salts/etc. w/ intent to manuf[ . ] <b>acture</b> controlled substance	F	8	POG2	

<i>35 P.S. § 780-113.4</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
(a)(1)	Operate meth lab-create chemical reaction	F-2	10	POG3	
(a)(3)	Operate meth lab-create chemical reaction (w/in 1,000 ft. of school)	F-1	12	POG3	
(b)(1)	Operate meth lab-stores/disposes substance used in manuf[ . ] <b>acture</b>	F-3	8	POG2	

<i>35 P.S.  §§ 6018.101— 6018.1002</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	<b>Solid Waste Management Act</b>				
	Knowingly transports, etc. hazardous waste without permit	F-1	13	POG3	
	Transports, etc. hazardous waste without permit	F-2	10	POG3	

<i>35 P.S.  §§ 4001—4015</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/ Enhancements</i>
	<b>Air Pollution Control Act</b>				
	Knowingly releases hazardous air pollutant	F-1	13	POG3	
	Violation of Act, DER Order, etc.	M-2	5	POG1	

<i>42 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime <b>murder 1/murder 2</b> /F-1)	F-1	18	POG3	
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	13	POG3	
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	10	POG2	
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime <b>murder 1/murder 2</b> /F-1)	F-1	18	POG3	
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	13	POG3	
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	10	POG2	
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime <b>murder 1/murder 2</b> /F-1)	F-1	18	POG3	
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	13	POG3	
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	10	POG2	
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime <b>murder 1/murder 2</b> /F-1)	F-1	18	POG3	
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	13	POG3	
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	10	POG2	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
1543(b)(1)(iii)	Drive w/ suspended/revoked license as condition of ARD/conviction for DUI (3rd/subsq off)	M-3	9	POG1	M
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC $\geq 0.02\%$ /or under influence of controlled subst. (2nd off)	M-3	9	POG1	M
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC $\geq 0.02\%$ /or under influence of controlled subst. (3rd/subsq off)	M-1	13	POG1	M
3367	Racing on highways (2nd/subsq off)	M	2	POG1	
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and B) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B)	F-3 <sup>1</sup>	16	POG2	E
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and C) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) (Category A and Category C)	F-3 <sup>1</sup>	16	POG2	E
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C)	F-3 <sup>1</sup>	14	POG2	E

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Mandatory/Enhancements</i>
3732(a)*	Homicide by vehicle-w/ one additional factor present during the criminal incident: A) DUI conviction, texting (75-3316) or B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) or C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B or Category C)	F-3 <sup>1</sup>	14	POG2	E
3732(a)*	Homicide by vehicle	F-3	12	POG2	
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and B) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B)	F-3 <sup>2</sup>	15	POG2	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and C) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) (Category A and Category C)	F-3 <sup>2</sup>	15	POG2	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C)	F-3 <sup>2</sup>	13	POG2	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor present during the criminal incident: A) DUI conviction, texting (75-3316), required to be licensed (75-1501) or B) operating privilege suspended/revoked (75-1543) or C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B or Category C)	F-3 <sup>2</sup>	13	POG2	E
3732.1(a)*	Aggravated assault by vehicle	F-3	11	POG2	
3735(a)(1)(i)	Homicide by vehicle while DUI	F-2	17	POG3	M
3735(a)(1)(ii)	Homicide by vehicle while DUI (prior DUI)	F-1	18	POG3	M
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	16	POG3	
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	17	POG3	
3742(a)*	Accident involving death/personal injury-failure to stop (death)	F-2	17	POG3	M/E
3742(a)*	Accident involving death/personal injury-failure to stop (SBI)	F-3	9	POG2	M
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (death)	F-3	11	POG2	
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	9	POG2	
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (death)	M-2	7	POG1	
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (SBI)	M-3	4	POG1	
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	2	POG1	
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025	M-3	9	POG1	M

75 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Mandatory/Enhancements
7122	Altered, forged, or counterfeit documents and plates	M-1	7	POG1	

\* = subcategorized offenses by OGS assignment (§ 303a.3(a)(2), § 303a.3(b)(2), § 303a.12)

E = offenses subject to OGS adjustment (§ 303a.3(b)(2), § 303a.12)

<sup>1</sup> Pursuant to 75 Pa.C.S. § 3732(b), 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)

<sup>2</sup> Pursuant to 75 Pa.C.S. § 3732.1(b)(1), 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)

**§ 303a.10. BUI/DUI offense listing (OGS/POG assignments).**

	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Enhancements
30 Pa.C.S. §	<i>All offenses contained within this section (related to operating watercraft under influence of alcohol or controlled substance) are subject to a mandatory penalty under 30 Pa.C.S. § 5502(c.1) (relating to operating watercraft under influence of alcohol or controlled substance).</i>				
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off); 1st minor <18 passenger	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	4	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off); 1st minor <18 passenger	M-1	4	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 1st minor <18 passenger	M-1	7	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	7	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	8	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off); 1st minor <18 passenger	M-1	8	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off); 2nd minor <18 passenger	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	13	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	7	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	9	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	7	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	9	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	7	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	9	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	7	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	9	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	7	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	9	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off); 1st minor <18 passenger	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	7	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	9	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	7	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	9	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	13	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 2nd minor <18 passenger	M-1	13	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	7	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (1st off); 1st minor <18 passenger	M-1	7	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	8	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off); 1st minor <18 passenger	M-1	8	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off); 2nd minor <18 passenger	M-1	8	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 1st minor <18 passenger	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 2nd minor <18 passenger	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 3rd/subsq minor <18 passenger	M-1	9	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 1st minor <18 passenger	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 2nd minor <18 passenger	M-1	13	POG1	
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 3rd/subsq minor <18 passenger	M-1	13	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
75 Pa.C.S. §	<i>All offenses contained within this section (related to driving under influence of alcohol or controlled substance) are subject to a mandatory penalty under 75 Pa.C.S. § 3804 (relating to penalties).</i>				
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	4	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off)	M-2	7	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 1st violation involving minor occupant	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off)	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 1st violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 2nd violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (4th/subsq off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (1st off)	F-3	7	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off)	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(a)(1)*	DUI-incapable of safe driving: refused testing (5th/subsq off)	F-2	15	POG3	
3802(a)(1)*	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(a)(1)	DUI-incapable of safe driving: accident w/BII/SBI/death (1st off)	M	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 1st violation involving minor occupant	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	4	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off)	M-2	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 1st violation involving minor occupant	M-1	7	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off)	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 1st violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 2nd violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (4th/subsq off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	8	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	9	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	7	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	9	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off)	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (4th off)	F-2	14	POG3	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(c)*	DUI-highest rate of alcohol: BAC $\geq$ .16 (5th/subsq off)	F-2	15	POG3	
3802(c)*	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	7	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	9	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off)	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off)	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(1)(i)*	DUI-controlled substances: Sched I (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(i)*	DUI-controlled substances: Sched I (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	7	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	9	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off); 1st violation involving minor occupant	M-1	9	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off)	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off)	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(1)(ii)*	DUI-controlled substances: Sched II/III (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(ii)*	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	7	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	9	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off)	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off)	F-2	14	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 1st violation involving minor occupant	F-2	14	POG3	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(1)(iii)*	DUI-controlled substances: metabolite of Sched I/II/III (5th/subsq off)	F-2	15	POG3	
3802(d)(1)(iii)*	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	7	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	9	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off)	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off)	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(2)*	DUI-controlled substances & incapable of safe driving (5th/subsq off)	F-2	15	POG3	
3802(d)(2)*	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	7	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	9	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off)	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off)	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(3)*	DUI-controlled substances & alcohol & incapable of safe driving (5th/subsq off)	F-2	15	POG3	
3802(d)(3)*	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	7	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	9	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off)	F-3	13	POG2	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 1st violation involving minor occupant	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (3rd off)	F-3	13	POG2	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off)	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off); 1st violation involving minor occupant	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off); 2nd violation involving minor occupant	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (4th off); 3rd/subsq violation involving minor occupant	F-2	14	POG3	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (4th off)	F-2	14	POG3	
3802(d)(4)*	DUI-controlled substances: solvent, etc. (5th/subsq off)	F-2	15	POG3	
3802(d)(4)*	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (5th/subsq off)	F-2	15	POG3	
3802(e)	DUI-minor driver (1st off)	M	7	POG1	
3802(e)	DUI-minor driver (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(e)	DUI-minor driver (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(e)	DUI-minor driver (2nd off)	M	8	POG1	
3802(e)	DUI-minor driver (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(e)	DUI-minor driver (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(e)	DUI-minor driver (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(e)	DUI-minor driver (3rd off)	M-1	9	POG1	
3802(e)	DUI-minor driver (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(e)	DUI-minor driver (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(e)	DUI-minor driver (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(e)	DUI-minor driver (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(e)	DUI-minor driver (4th/subsq off)	F-3	13	POG2	
3802(e)	DUI-minor driver (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(e)	DUI-minor driver (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(e)	DUI-minor driver (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(e)	DUI-minor driver (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	7	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (1st off)	F-3	9	POG2	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	8	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	9	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	7	POG1	
3802(f)(1)(ii)	DUI-school vehicles (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	8	POG1	
3802(f)(1)(ii)	DUI-school vehicles (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(ii)	DUI-school vehicles (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	9	POG1	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	7	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	8	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	9	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	7	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	8	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off); 1st violation involving minor occupant	M-1	8	POG1	

	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>Enhancements</i>
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	9	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 1st violation involving minor occupant	M-1	9	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off)	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	7	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off); 1st violation involving minor occupant	M-1	7	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (1st off)	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	8	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off); 1st violation involving minor occupant	M-1	8	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off); 2nd violation involving minor occupant	M-1	8	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (2nd off)	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	9	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 1st violation involving minor occupant	M-1	9	POG1	

	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Enhancements
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 2nd violation involving minor occupant	M-1	9	POG1	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 3rd/subsq violation involving minor occupant	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (3rd off)	F-3	9	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 1st violation involving minor occupant	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 2nd violation involving minor occupant	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3	13	POG2	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (4th/subsq off)	F-3	13	POG2	

\* = subcategorized offenses by OGS assignment (§ 303a.3(a)(2), § 303a.3(b)(2), § 303a.12)

E = offenses subject to OGS adjustment (§ 303a.3(b)(2), § 303a.12)

§ 303a.11. Omnibus OGS tables.

(a) General omnibus OGS assignments.

[ OMNIBUS ASSIGNMENTS ]

Omnibus Assignments	Statutory Class	Offense Gravity Score	Prior Offense Group
*See § 303a.3(a)(4) and § 303a.9	F-1 + (max >20 years)	22	POG3/POG4
	F-1	14	POG3
	F-2	11	POG3
	F-3	9	POG2
	Felony Not Classified	9	POG2
	M-1	7	POG1
	M-2	4	POG1
	M-3	2	POG1
	Misdemeanor Not Classified	2	POG1

(b) BUI omnibus OGS assignments, relating to operating watercraft under the influence.

Omnibus Assignments	30 Pa.C.S. § 5502 OGS Assignments (based on mandatory minimum sentence requirements)	§ 5502 OGS Override (when OGS of statutory class is higher)		
*See § 303a.3(a)(4) and § 303a.10	1 year and > *subsq off +1 (up to OGS 15)	13*		
	90 days to < 1 year	9	M-1	7
	30 days to < 90 days	8	M-2	4
	< 30 days	7	M	2
	6 months prob	4		

(c) *DUI omnibus OGS assignments, relating to driving under the influence.*

<i>Omnibus Assignments</i>	<i>75 Pa.C.S. § 3802 OGS Assignments (based on mandatory minimum sentence requirements)</i>		<i>§ 3802 OGS Override (when OGS of statutory class is higher)</i>	
*See § 303a.3(a)(4) and § 303a.10	1 year and > *subsq off +1 (up to OGS 15)	13*	F-2	11
	90 days to < 1 year	9	F-3	9
	30 days to < 90 days	8	M-1	7
	< 30 days	7	M-2	4
	6 months prob	4	M	2

**§ 303a.12. OGS enhancements table.**

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
<i>General enhancements (§ 303a.3(b)(5))</i>				
<b>42-2154(b)(3)</b>	<b>Deadly weapon enhancement</b>			§ 303a.3(b)(5)(i)
	Deadly weapon possessed		+2	
	Deadly weapon used		+3	
<b>42-2154(b)(3)</b>	<b>School zone drug enhancement</b>			§ 303a.3(b)(5)(ii)
	Distribution in a school zone		+1	
<b>42-9720.4</b>	<b>Sentencing for offenses committed in association with a criminal gang.</b>			§ 303a.3(b)(5)(iii)
	Murder-3rd degree	x		
	Crimes of violence (42-9714(g)) or a violation of section (a)(30) of the Drug Act (35-780-114) if knowingly committed at the direction of or for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.		+2	
<b>42-9720.8</b>	<b>Sentencing for offenses involving domestic violence.</b>			§ 303a.3(b)(5)(iv)
	Murder-3rd degree	x		
	Offense under Title 18, Chapters 25, 27, 29, 30, 31 or 49 against a family or household member (23-6102).		+2	
	Defendant knew crime was witnessed, either through sight or sound, by a minor who is also a family or household members of the defendant to victim.			Payment of costs or fees for assessment and treatment of the minor.
<i>Crimes code enhancements (§ 303a.3(b)(6))</i>				
<b>18-2502(c)</b>	<b>Murder of the third degree</b>			§ 303a.3(b)(6)(i)
	Victim <13 years of age	x		
<b>18-2505</b>	<b>Causing or aiding suicide</b>			§ 303a.3(b)(6)(ii)
	Victim <18/intellectual disability/autism	x		
<b>18-3011</b>	<b>Trafficking in individuals</b>			§ 303a.3(b)(6)(iii)
	<i>Unless otherwise included in OGS description:</i>			
	Sexual servitude		+2	
	Kidnapping, rape, or IDSI in course of offense (maximum = Life) (42-9720.2)		OGS 27	
	Age of victim-13 to less than 18 years of age		+2	
	Age of victim-less than 13 years of age		+4	

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
<b>18-3012</b>	<b>Involuntary servitude</b>			§ 303a.3(b)(6)(iii)
	<i>Unless otherwise included in OGS description:</i>			
	Sexual servitude		+2	
	Kidnapping, rape, or IDSI in course of offense (maximum = Life) (42-9720.2)		OGS 27	
	Age of victim-13 to less than 18 years of age		+2	
	Age of victim-less than 13 years of age		+4	
<b>18-3133</b>	<b>Sexual extortion</b>			§ 303a.3(b)(6)(iv)
	Victim < 18/intellectual disability/actor holds position of trust	x		
	<i>Unless otherwise included in OGS description:</i>			
	Victim attempts suicide resulting in SBI/death		+1	
<b>18-3301(a)</b>	<b>Arson endangering persons (provided in 42-9720.6. Sentencing for arson offenses)</b>			§ 303a.3(b)(6)(v)
	Cause SBI to civilian or cause BI to firefighter, etc.	x		
	<i>Unless otherwise included in OGS description:</i>			
	More than 3 people in building (F-1 offense)		+2	
	More than three people in building (< F-1 offense)		+3	
	Greater than \$1 million in damage (F-1 offense)		+2	
	Greater than \$1 million in damage (< F-1 offense)		+3	
	Incendiary device (F-1 offense)		+2	
Incendiary device (< F-1 offense)		+3		
<b>18-3301(a.1)</b>	<b>Aggravated arson (provided in 42-9720.6. Sentencing for arson offenses)</b>			§ 303a.3(b)(6)(v)
	Cause SBI to civilian or cause BI to firefighter, etc.	x		
	<i>Unless otherwise included in OGS description:</i>			
	More than 3 people in building (F-1 offense)		+2	
	More than 3 people in building (< F-1 offense)		+3	
	Greater than \$1 million in damage (F-1 offense)		+2	
	Greater than \$1 million in damage (< F-1 offense)		+3	
	Incendiary device (F-1 offense)		+2	
Incendiary device (< F-1 offense)		+3		
<b>18-3502</b>	<b>Burglary (as provided in part in 42-9720.7)</b>			§ 303a.3(b)(6)(vi)
	Occupied structure, person present, bodily injury crime	x		
	<i>Unless otherwise included in OGS description:</i>			
18-3502(d.1)	Domestic animal harmed or killed		+1	
<b>18-3503</b>	<b>Criminal trespass</b>			§ 303a.3(b)(6)(vii)
	<i>Unless otherwise included in OGS description:</i>			

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
18-3503(c.2)	Domestic animal harmed or killed		+1	
<b>18-3702</b>	<b>Robbery of motor vehicle</b>			§ 303a.3(b)(6)(viii)
	Steals or takes motor vehicle in presence of person	x		
<b>18-6105</b>	<b>Person not to possess firearms</b>			§ 303a.3(b)(6)(ix)
	Previous conviction	x		
	Possession/control of firearm or within reach	x		
<b>18-6312</b>	<b>Sexual abuse of children (as provided in 42-9720.5. Sentencing for offenses involving sexual abuse of children)</b>			§ 303a.3(b)(6)(x)
	Age of victim or prepubescent	x		
	Indecent contact depicted	x		
	<i>Unless otherwise included in OGS description:</i>			
	Nature and character of abuse depicted		+1	
	Child known to defendant		+1	
	Number of images (video clip = 50 images):			
	More than 50 to 200 images		+1	
	More than 200 to 500 images		+2	
	More than 500 images		+3	
<i>Vehicle code enhancements (§ 303a.3(b)(7))</i>				
<b>75-3732</b>	<b>Homicide by vehicle</b>			§ 303a.3(b)(7)(i)
	<i>Category A:</i> DUI (75-3802); texting (75-3316)	x		
	<i>Category B:</i> active work zone (75-3326), emergency vehicle (75-3325), emergency response area (75-3327)	x		
	<i>Category C:</i> required to be licensed (75-1501); operating privilege suspended/revoked (75-1543)	x		
<b>75-3732.1</b>	<b>Aggravated assault by vehicle</b>			§ 303a.3(b)(7)(ii)
	<i>Category A:</i> DUI (75-3802); texting (75-3316)	x		
	<i>Category B:</i> active work zone (75-3326), emergency vehicle (75-3325), emergency response area (75-3327)	x		
	<i>Category C:</i> required to be licensed (75-1501); operating privilege suspended/revoked (75-1543)	x		
<b>75-3742</b>	<b>Accidents involving death or personal injury</b>			§ 303a.3(b)(7)(iii)
	Victim dies as a result of the violation	x		
<b>75-3802</b>	<b>Driving under the influence of alcohol or controlled substance</b>			§ 303a.3(b)(7)(iv)
	Four or more prior convictions under (a)(1), (c), or (d)	x		

§ 303a.13. POG/PRS tables.

(a) *Prior offense groups (POG).*

POG1 § 303a.4(a)(3)(i)	Least serious group; includes all misdemeanors, unless designated as serious crimes.
POG2 § 303a.4(a)(3)(ii)	Includes all F-3 and all unclassified felonies, unless designated as serious crimes.
POG3 § 303a.4(a)(3)(iii)	Includes all serious crimes, defined as: Except for crimes of violence, an adjudication or conviction for any F-1 or F-2, or an adjudication or conviction for a F-3 or M-1 as provided in the following: 18 Pa.C.S. Part II, Article B, 18 Pa.C.S. Chapter 61-A, and 42 Pa.C.S. § 9799.14.
POG4 § 303a.4(a)(3)(iv)	Most serious group; includes all crimes of violence (offenses listed under 42 Pa.C.S. § 9714(g))

(b) *Prior record score (PRS) categories.*

Prior Offense Group	Number of prior adjudications and convictions in group.	PRS Categories				
		PRS 0	PRS 1	PRS 2	PRS 3	PRS 4
	0	•				
<b>POG1</b> (1-1-2)	1		•			
	2		•			
	3+			•		
<b>POG2</b> (2-2-3)	1			•		
	2			•		
	3+				•	
<b>POG3</b> (2-3-3)	1			•		
	2				•	
	3+					•
<b>POG4</b> (3-4-4)	1				•	
	2					•
	3+					•

§ 303a.14. Sentencing matrix.

Sentencing Level Aggravated/Mitigated Ranges		Offense Gravity Score	Prior Record Score				
			0	1	2	3	4
<b>H</b> Murder 1, Murder 2 Agg/Mit: +/- 24	H6		LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death
	H5		LWOP	LWOP	LWOP	LWOP	LWOP
	H4	420	420-480	420-480	480-540	540-600	660-SL
	H3	360	360-420	360-420	420-480	480-540	600-SL
	H2	300	300-360	300-360	360-420	420-480	540-SL
	H1	240	240-300	240-300	300-360	360-420	480-SL
<b>G</b> Murder 3 Mit: - 12	G2	90-240	114-240	138-240	162-240	186-240	
	G1	72-240	84-240	96-240	108-240	120-240	
<b>F</b> State Confinement/ Max: > 20 years Agg/Mit: +/- 12	30	162-186	186-210	210-234	234-258	258-SL	
	29	138-162	162-186	186-210	210-234	234-SL	
	28	114-138	138-162	162-186	186-210	210-SL	
	27	90-114	114-138	138-162	162-186	186-SL	
<b>E</b> State Confinement Agg/Mit: +/- 9	26	84-96	96-108	108-120	120-132	132-SL	
	25	78-90	90-102	102-114	114-126	126-SL	
	24	72-84	84-96	96-108	108-120	120-SL	
	23	66-78	78-90	90-102	102-114	114-SL	
	22	60-72	72-84	84-96	96-108	108-SL	
	21	54-66	66-78	78-90	90-102	102-SL	
	20	48-60	60-72	72-84	84-96	96-SL	
	19	42-54	54-66	66-78	78-90	90-SL	
	18	36-48	48-60	60-72	72-84	84-SL	
	17	30-42	42-54	54-66	66-78	78-SL	
<b>D</b> State/County Confinement Agg/Mit: +/- 6	16	24-<30	30-42	36-48	48-60	60-SL	
	15	20-26	24-<30	30-42	36-48	48-SL	
	14	16-22	20-26	24-<30	30-42	42-SL	
	13	12-18	16-22	20-26	24-<30	30-SL	
<b>C</b> County Confinement Agg/Mit: +/- 3	12	9 - <12 (RC)	12-18	16-22	20-26	24-<30	
	11	7 - 10 (RC)	8 - 11 (RC)	12-18	16-22	20-26	
	10	5 - 8 (RC)	6 - 9 (RC)	7 - 10 (RC)	12-18	16-22	
	9	3 - 6 (RC)	4 - 7 (RC)	5 - 8 (RC)	6 - 9 (RC)	12-18	
	8	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	4 - 7 (RC)	5 - 8 (RC)	
<b>B</b> Probation Agg/Mit: +/- 6 P	7	24 P (175-200)	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	4 - 7 (RC)	
	6	18 P (150-175)	24 P (175-200)	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	
	5	12 P (125-150)	18 P (150-175)	24 P / 1-3 RC (175-200)	1 - 4 (RC)	2 - 5 (RC)	
	4	6 P (100-125)	12 P (125-150)	18 P / 1-2 RC (150-175)	24 P / 1-3 RC (175-200)	1 - 4 (RC)	
<b>A</b> Restorative Sanctions Agg: + 3 P	3	RS (75-100)	RS - 6 P (100-125)	12 P / 1 RC (125-150)	18 P / 1-2 RC (150-175)	24 P / 1-3 RC (175-200)	
	2	RS (50-75)	RS (75-100)	RS - 6 P (100-125)	12 P / 1 RC (125-150)	18 P / 1-2 RC (150-175)	
	1	RS (25-50)	RS (50-75)	RS (75-100)	RS - 6 P (100-125)	12 P / 1 RC (125-150)	

LWOP: Life Without the Possibility of Parole, P: Probation, RS: Restorative Sanctions, RC: Restrictive Conditions, SL: Statutory Limit

Omnibus Offense Gravity Score: M-3 (2), M-2 (4), M-1 (7), F-3 (9), F-2 (11), F-1 (14), F-1+ (22)

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## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING

#### PART VIII. CRIMINAL SENTENCING

#### [ 204 PA. CODE CHS. 307 AND 307a ]

#### Adopted Resentencing Guidelines, Amendment 2; Adopted New Resentencing Guidelines for 8th Edition Sentencing Guidelines

On January 7, 2023, the Pennsylvania Commission on Sentencing (Commission) published at 53 Pa.B. 256 (January 7, 2023) proposed Resentencing Guidelines, Amendment 2, 204 Pa. Code §§ 307.1—307.4, for use with the 7th Edition Sentencing Guidelines; and proposed new Resentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4, for use with the 8th Edition Sentencing Guidelines; and requested public comment.

Six public hearings were held:

February 8, 2023 (Philadelphia)

February 17, 2023 (Easton)

February 22, 2023 (Pittsburgh)

February 27, 2023 (PA DOC via Zoom, limited to testimony from incarcerated individuals)

March 2, 2023 (Erie)

March 8, 2023 (Harrisburg and via Zoom)

On March 9, 2023, the Commission adopted Amendment 2 of the Resentencing Guidelines, relabeled the Resentencing Guidelines for the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 307.1—307.4; and adopted new Resentencing Guidelines for the 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4, which are hereby submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*. Resentencing Guidelines for the 7th Edition Sentencing Guidelines are reserved for reference in Chapter 307; Resentencing Guidelines for the 8th Edition Sentencing Guidelines are set forth in Chapter 307a.

The Resentencing Guidelines for the 7th Edition Sentencing Guidelines become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly; apply to all resentences following revocation of probation for sentences imposed under the 7th Edition Sentencing Guidelines; and are applicable to offenses committed on or after January 1, 2020, but prior to January 1, 2024. The Resentencing Guidelines for the 8th Edition Sentencing Guidelines become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly; apply to all resentences following revocation of probation for sentences imposed under the 8th Edition Sentencing Guidelines; and are applicable to offenses committed on or after January 1, 2024.

Resentencing Guidelines for the 7th Edition Sentencing Guidelines, as adopted by the Commission, are summarized as follows, and set forth in Annex A. Resentencing Guidelines for the 8th Edition Sentencing Guidelines, as adopted by the Commission, are summarized as follows, and set forth in Annex B.

JUDGE TAMARA R. BERNSTEIN,  
*Chair*

#### *Commentary on Annex A*

On March 9, 2023, the Commission adopted Amendment 2 of the Resentencing Guidelines, relabeled the Resentencing Guidelines for the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 307.1—307.4. Resentencing Guidelines for the 7th Edition Sentencing Guidelines are reserved for reference in Chapter 307.

The adopted amendment to Chapter 307 limits the application of this Chapter to resentencing guidelines for probation sentences imposed under the 7th Edition Sentencing Guidelines and subsequently revoked.

#### *Description of Amendments*

Provided as follows is a description of each section of the adopted Resentencing Guidelines for the 7th Edition Sentencing Guidelines. The adopted amendment to Chapter 307 is set forth in Annex A.

#### *§ 307.1. Preliminary provisions*

Amendments to this section include editorial changes to several definitions, including inserting common abbreviations and amending the references to the 7th Edition Sentencing Guidelines.

#### *§ 307.2. Resentencing guidelines standards*

Amendments include an editorial change to the title of the section, amending the references to the 7th Edition Sentencing Guidelines, modifying the description of the effective dates of the amendments to the resentencing guidelines, and linking the resentencing guidelines to the corresponding amendment of the 7th Edition Sentencing Guidelines.

#### *§ 307.3. Procedure for determining resentencing guidelines*

Amendments include an editorial change to the title of the section.

#### *§ 307.4. Resentencing guidelines recommendations*

Amendments include an editorial change to the title of the section and amending the reference to the 7th Edition Sentencing Guidelines.

#### *Effective Date*

Resentencing Guidelines for the 7th Edition Sentencing Guidelines shall become effective January 1, 2024, and apply to all offenses committed on or after January 1, 2020, but prior to January 1, 2024, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b) (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

#### *Resource Utilization*

Prior to the adoption of amendments to the resentencing guidelines, the Commission is required to use a correctional population simulation model to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed amendments to the guidelines. 42 Pa.C.S. § 2153(a)(15) (relating to powers and duties of commission).

Amendment 2 of the Resentencing Guidelines, relabeled the Resentencing Guidelines for the 7th Edition Sentencing Guidelines, is a technical change to limit the application of the initial Resentencing Guidelines, effective January 1, 2020, to revocations of probation ordered under Amendment 5 of the 7th Edition Sentencing Guidelines; and to limit the application of Amendment 1 of the Resentencing Guidelines, effective January 1, 2021, to

revocations of probation ordered under Amendment 6 of the 7th Edition Sentencing Guidelines.

Amendment 2 of the Resentencing Guidelines addresses offenses committed prior to January 1, 2024, and make no amendments to the recommendations. Therefore, there is no change in the resources that would be required to carry out the adopted Resentencing Guidelines for the 7th Edition Sentencing Guidelines.

#### *Commentary on Annex B*

On March 9, 2023, the Commission adopted new Resentencing Guidelines for the 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4. Resentencing Guidelines for the 8th Edition Sentencing Guidelines are set forth in Chapter 307a.

The adopted addition of Chapter 307a limits the application of this new chapter to resentencing guidelines for probation sentences imposed under the 8th Edition Sentencing Guidelines and subsequently revoked.

#### *Description of Amendments*

Provided as follows is a description of each section of the adopted Resentencing Guidelines for the 8th Edition Sentencing Guidelines. The adopted new Chapter 307a is set forth in Annex B.

##### *§ 307a.1. Preliminary provisions*

This section includes authorization and definitions related to the application of resentencing guidelines for revocations of orders of probation imposed under the 8th Edition Sentencing Guidelines. Certain definitions provided in the proposed resentencing guidelines are amended and other definitions added to conform with definitions adopted in the 8th Edition Sentencing Guidelines.

##### *§ 307a.2. Resentencing guidelines standards*

This section includes standards for the application of resentencing guidelines for revocations of orders of probation imposed under the 8th Edition Sentencing Guidelines, as well as providing the effective dates of the resentencing guidelines. Reporting requirements provided in the proposed resentencing guidelines are amended to conform with the reporting requirements adopted in the 8th Edition Sentencing Guidelines.

##### *§ 307a.3. Procedure for determining resentencing guidelines*

This section includes the procedures for determining the sentence recommendation for technical violations and conviction violations for revocations of orders of probation imposed under the 8th Edition Sentencing Guidelines.

##### *§ 307a.4. Resentencing guidelines recommendations*

This section provides general recommendations for consideration at resentencing. Resentencing recommendations provided in the proposed resentencing guidelines are amended to conform with the sentencing recommendations adopted in the 8th Edition Sentencing Guidelines.

#### *Effective Date*

Resentencing Guidelines for the 8th Edition Sentencing Guidelines shall become effective January 1, 2024, and apply to all offenses committed on or after January 1, 2024, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

#### *Resource Utilization*

Prior to the adoption of amendments to the resentencing guidelines, the Commission is required to use a correctional population simulation model to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed amendments to the guidelines. 42 Pa.C.S. § 2153(a)(15).

The new Resentencing Guidelines for the 8th Edition Sentencing Guidelines follow a procedure similar to that employed in the Resentencing Guidelines for the 7th Edition Sentencing Guidelines: for a technical violation resulting in a revocation of probation, the resentencing guidelines are the same as initial sentencing guidelines, with consideration given to any service of the original sentence; for a conviction violation resulting in a revocation of probation, the resentencing guidelines reflect a one-step increase in the OGS of the initial sentencing guidelines. However, since the resource utilization of the underlying 8th Edition Sentencing Guidelines has been found to be less than that of the 7th Edition Sentencing Guidelines, the same would be expected of the new Resentencing Guidelines for the 8th Edition Sentencing Guidelines.

The new Resentencing Guidelines for the 8th Edition Sentencing Guidelines address offenses committed on or after January 1, 2024, with recommendations linked to the new 8th Edition Sentencing Guidelines. The resources required to carry out the 8th Edition Sentencing Guidelines are projected to include a 15.9% reduction in the use of State confinement; a 29.8% reduction in the use of county confinement; and a 21.8% reduction in the use of probation; offset by significant increases in the use of restorative sanctions. Therefore, the resources that would be required to carry out the adopted Resentencing Guidelines for the 8th Edition Sentencing Guidelines would follow this trend and be lower than those required by the Resentencing Guidelines for the 7th Edition Sentencing Guidelines.

### **Annex A**

## **TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

### **PART VIII. CRIMINAL SENTENCING**

#### **CHAPTER 307. RESENTENCING GUIDELINES [ , AMENDMENT 1 ] FOR 7TH EDITION SENTENCING GUIDELINES**

##### **§ 307.1. Preliminary provisions.**

###### *(a) Authorization.*

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

(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, **the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:**

**“Commission.”** Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment ranges following revocation to be considered by the Pennsylvania Parole Board.

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

**“Conviction violation.”** Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony, whether or not judgement of sentence has been imposed.

**“Court.”** [A court of record] Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

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

**“[Offense] OGS—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] Chapter 303 (relating to sentencing guidelines, 7th edition)).

**“[Offense] OTN—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.

**“[Prior record score (PRS).”** A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code § 303.3 and § 303.15). ]

**“PRS—prior record score.”** A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person (see: 204 Pa. Code Chapter 303).

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

**“Resentence.”** A new sentence imposed following the revocation of probation. 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.

**“Revocation.”** The termination of an order of probation, 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 modification or revocation of order of probation; and court-imposed sanctions for violating probation).

**“Risk assessment instrument.”** An empirically based worksheet which uses factors that are relevant in predict-

ing recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

*1st generation.* “Professional judgment,” with assessments based on training and experience;

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

*3rd generation.* “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

*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] person’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] person.

**“SID—State identification number [(SID)].”** A unique number associated with each [offender] person based on fingerprints. The Commission requires the inclusion of the SID as part of the record in the completed Guideline Sentence Form ([§ 303.(f)] see: 204 Pa. Code Chapter 303).

**“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.

**“Technical violation.”** Failure to comply with terms of an order of probation, other than by the commission of a new offense of which the person is convicted.

**“Violation.”** A finding by a court, following a hearing, that the [offender] convicted person failed to comply with terms and conditions of an order of probation.

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

**“Technical violation.”** Failure to comply with the terms and conditions of an order of probation, other than by the commission of a new offense of which the offender person is convicted in a court of record. ]

§ 307.2. Resentencing [Guidelines] guidelines standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation.

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

**(1) The initial Resentencing Guidelines, effective January 1, 2020, apply to all offenses committed on or after January 1, 2020, but prior to January 1, 2021, for which the 7th Edition, Amendment 5 Sentencing Guidelines applied.**

**(2) Resentencing Guidelines, Amendment 1, effective January 1, 2021, apply to all offenses committed on or after January 1, 2021, but prior to January 1, 2024, for which the 7th Edition, Amendment 6 Sentencing Guidelines applied.**

**(3) Resentencing Guidelines for the 8th Edition Sentencing Guidelines, effective January 1, 2024, as provided in Chapter 307a (relating to resentencing guidelines for 8th Edition Sentencing Guidelines), apply to all offenses committed on or after January 1, 2024, for which the 8th Edition Sentencing Guidelines applied.**

(c) Upon revocation of probation, 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 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 resentencing, a statement of the reason or reasons for the revocation and for the sentence imposed. In every case where a court of record imposes a sentence 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) ] **Chapter 303** (relating to [ **resentencing** ] **sentencing** guidelines, **7th edition**).

(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 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** ] **resentencing guidelines**.

(a) For a technical violation resulting in the revocation of an order of probation, the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines, **7th edition**), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation, the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303, 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 is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

§ 307.4. [ **Guideline resentence** ] **Resentencing guidelines** 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 sentence.

(b) Guidelines 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 ] **Chapter 303** (relating to [ **resentencing** ] **sentencing** guidelines, **7th edition**).

## Annex B

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VIII. CRIMINAL SENTENCING

#### CHAPTER 307a. RESENTENCING GUIDELINES FOR 8TH EDITION SENTENCING GUIDELINES

Sec.	
307a.1.	Preliminary provisions.
307a.2.	Resentencing guidelines standards.
307a.3.	Procedure for determining the resentencing guidelines.
307a.4.	Resentencing guidelines recommendations.

#### § 307a.1. Preliminary provisions.

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to adoption of guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing [ **an offender** ] **a convicted person** following the revocation of probation.

(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, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“*Commission.*” Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment ranges following revocation to be considered by the Pennsylvania Parole Board.

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

“*Conviction violation.*” **Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony, whether or not judgement of sentence has been imposed.**

“*Court.*” [ **A court of record** ] **Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any**

**judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.**

“*Judicial proceeding.*” A sentencing hearing in which all offenses for which [ **the offender** ] **a person** is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple **dockets and OTNs.**

“*OGS*—[ **O** ]*offense gravity score.*” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code Chapter 303a **(relating to sentencing guidelines, 8th edition).**)

“*OTN*—[ **O** ]*offense tracking number.*” A unique identifying number assigned to an entire set of **related charges [ related to a conviction ]**. An OTN is generally assigned by the court at the time of arraignment.

“*PRS*—[ **P** ]*prior record score.*” A category in the sentencing guidelines reflecting the seriousness of the criminal history of [ **an offender** ] **a person, based on certain previous juvenile adjudications and/or convictions.** (see: 204 Pa. Code Chapter 303a).

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

“*Resentence.*” A new sentence imposed following the revocation of probation. 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.

“*Revocation.*” The termination of an order of probation, 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 modification or revocation of order of probation; and court-imposed sanctions for violating probation).

“*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:

*1st generation.* “Professional judgment,” with assessments based on training and experience;

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

*3rd generation.* “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

*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** ] **person’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** ] **person.**

“*SID*—[ **S** ]*state identification number.*” A unique number associated with each offender based on fingerprints.

The Commission requires the inclusion of the SID as part of the record in the completed Guideline Sentence Form (see: 204 Pa. Code Chapter 303a).

“*Sentencing Guidelines [ Software Web ] Application [ (SGS Web) ]*.” A JNET-based application **developed and operated by the Commission and [ which includes the modules for Sentencing Guidelines and for Resentencing Guidelines ] required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.** SGS Web [ serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences ] **is the sentencing guidelines application used to prepare guidelines and report sentences during the initial implementation of the 8th Edition Sentencing Guidelines.**

[ “*Violation.*” A finding by a court, following a hearing, that the offender failed to comply with terms and conditions of an order of probation.

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

“*Technical violation.*” Failure to comply with the terms and conditions of an order of probation, other than by the commission of a new offense of which the [ **offender** ] **person** is convicted [ **in a court of record** ].

“*Violation.*” A finding by a court, following a hearing, that the convicted person failed to comply with terms and conditions of an order of probation.

**§ 307a.2. Resentencing guidelines standards.**

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation.

(b) The Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after the effective date of the amendment.

(1) The initial Resentencing Guidelines, effective January 1, 2020, as provided in Chapter 307 **(relating to resentencing guidelines for 7th edition sentencing guidelines)**, apply to all offenses committed on or after January 1, 2020, but prior to January 1, 2021, for which the 7th Edition, Amendment 5 Sentencing Guidelines applied.

(2) Resentencing Guidelines, Amendment 1, effective January 1, 2021, as provided in Chapter 307, apply to all offenses committed on or after January 1, 2021, but prior to January 1, 2024, for which the 7th Edition, Amendment 6 Sentencing Guidelines applied.

(3) Resentencing Guidelines for the 8th Edition Sentencing Guidelines, effective January 1, 2024, apply to all offenses committed on or after January 1, 2024, for which the 8th Edition Sentencing Guidelines applied.

(c) Upon revocation of probation, 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 ] in the aggravated or mitigated range, or imposes a sentence that is a departure from** the Resentencing Guidelines, **the court shall report** the reason or reasons for the deviation from the **standard range of the guidelines to the Commission in the manner described as follows [ shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Commission in the manner described in 204 Pa. Code Chapter 303a (relating to sentencing guidelines) ]**.

(e) Unless otherwise provided by the Commission, the JNET-based **[ S ]sentencing [ G ]guidelines [ Software Web A ]application [ (SGS Web) ]** shall be used at the court's direction to prepare the **sentencing guideline form for any resentence for a revocation of probation [ report all revocations of probation 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) Following revocation of probation and resentencing, a completed guideline sentence form, including the state identification number (SID), the resentence imposed, reasons for deviation from the standard range of the resentencing guidelines, and all required guidelines and resentencing information, including information from the completed sentence guideline form associated with the initial order of probation, shall be made a part of the record, and the information electronically submitted to the Commission using the Commission's sentencing guidelines application no later than 30 days after the date of resentencing.**

**§ 307a.3. Procedure for determining the resentencing guidelines.**

(a) For a technical violation resulting in the revocation of an order of probation, the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation, the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303a, with the OGS assignment increased by one point. The highest OGS assignment permitted is OGS 30. Consideration shall be given to any service of the original sentence.

(c) If the revocation of an order of probation is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

**§ 307a.4. Resentencing guidelines 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) Guidelines resentencing recommendations relating to **[ sentencing level ] offense-specific recommendations, [ sentencing programs, ]** aggravated and mitigated circumstances, and **[ economic sanctions ] judicial proceeding recommendations** shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**).

[Pa.B. Doc. No. 23-1171. Filed for public inspection August 25, 2023, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [ 204 PA. CODE CH. 311 ]

#### Adopted State Parole Recommitment Ranges

On January 7, 2023, the Pennsylvania Commission on Sentencing (Commission) published in the *Pennsylvania Bulletin* (53 Pa.B. 260) proposed State Parole Recommitment Ranges, 204 Pa. Code §§ 311.1—311.6, and requested public comment. Six public hearings were held:

February 8, 2023 (Philadelphia)

February 17, 2023 (Easton)

February 22, 2023 (Pittsburgh)

February 27, 2023 (PA DOC via Zoom, limited to testimony from incarcerated individuals)

March 2, 2023 (Erie)

March 8, 2023 (Harrisburg and via Zoom)

The Commission is authorized by 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by board) to adopt recommitment ranges following revocation of parole to be considered by the Pennsylvania Parole Board when exercising its power to reparole, commit and recommit for parole violations. Recommitment ranges shall take into account the: 1) seriousness of the initial conviction offense, 2) the level of seriousness of the violation, and 3) rehabilitative needs of the defendant. The State Parole Recommitment Ranges are advisory and do not remove the discretionary authority of the Pennsylvania Parole Board.

On March 9, 2023, the Pennsylvania Commission on Sentencing adopted State Parole Recommitment Ranges, 204 Pa. Code §§ 311.1—311.6, which are hereby submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*.

State Parole Recommitment Ranges become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly and apply to all State parole violation hearings initiated on or after January 1, 2024.

State Parole Recommitment Ranges, as adopted by the Commission, are summarized as follows, and set forth in Annex A.

JUDGE TAMARA R. BERNSTEIN,  
Chair

*Commentary on Annex A*

As provided in statute, 61 Pa.C.S. § 6102 (relating to operation of parole system generally), the parole system shall operate consistently with the following provisions:

(1) The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the public, the opportunity for the offender to become a useful member of society and the diversion of appropriate offenders from prison.

(2) In providing these benefits to the criminal justice system, the Board and any other paroling entity shall first and foremost seek to protect the safety of the public.

(3) In addition to this goal, the Board and any other paroling entity shall address input by crime victims, assist in the fair administration of justice by ensuring the custody, control and treatment of paroled persons shall consider any applicable guidelines established by the Commission and shall ensure that parole proceedings, release and recommitment are administered in an efficient and timely manner.

Regarding recommitment following violation of terms, 61 Pa.C.S. § 6137(h) (relating to parole power) authorizes:

(1) The Board may, during the period for which an inmate shall have been sentenced, recommit the inmate, if paroled, for violation of the terms and conditions of the person's parole and from time to time to reparole and recommit in the same manner and with the same procedure as in the case of an original parole or recommitment if, in the judgment of the Board:

(i) There is a reasonable probability that the inmate will be benefited by paroling the inmate again.

(ii) It does not appear that the interests of the Commonwealth will be injured by paroling the inmate again.

(2) In exercising these powers, the Board shall consider any applicable recommitment ranges established by the Commission under 42 Pa.C.S. § 2154.6.

(i) *Cases involving deviations from guidelines.* In each case in which the Board deviates from the recommitment ranges established under 42 Pa.C.S. § 2154.6, the Board shall provide a contemporaneous written statement of the reason for the deviation from the recommitment ranges to the Commission, as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission).

Section 2154.6 of 42 Pa.C.S. requires the Commission to adopt recommitment ranges for violations of parole that consider the following:

- (1) the seriousness of the initial conviction offense;
- (2) the level of seriousness of the violation; and
- (3) the rehabilitative needs of the defendant.

A recommitment range is a recommendation for a period of time for which a parole violator may be recommitment to serve an additional part of the term the parole violator would have been compelled to serve had the parole violator not been paroled. At the end of the recommitment period, the parole violator may be reviewed for parole or, without further review, shall be reparoled.

Section 6137 of 61 Pa.C.S. requires the Board to consider recommitment ranges established by the Commission, and to report to the Commission the recommit-

ment decision and provide a contemporaneous written statement of reasons for any deviation from the recommitment ranges. In addition to consideration of the guidelines, the Board may develop and use internal decisional instruments.

The recommitment ranges established by the Commission are advisory recommendations, which must be considered by the Board but for which the Board may exercise discretion in deviating from the recommendations. The recommitment ranges do not remove the discretionary authority of the Pennsylvania Parole Board, and do not prevent the Board from developing policies and procedures related to recommitment decisions.

The adopted recommitment ranges standardize current practices, improve the consistency and transparency of decisions, and enhance data collection and analysis. By linking the recommitment ranges to the parole guidelines and the 8th Edition Sentencing Guidelines, the Commission is promoting coordination of information and decision-making.

On July 11, 2020, the Commission published at 50 Pa.B. 3417 (July 11, 2020) initial proposed State Parole Reccommitment Ranges, 204 Pa. Code §§ 311.1—311.5, and held two public hearings. On September 10, 2020, the Commission tabled action on adoption of the recommitment ranges due to delays in adoption of the related parole guidelines. On March 10, 2022, the Commission voted to resume consideration of both the proposed parole guidelines and proposed recommitment ranges. The Commission approved without amendment the proposed State Parole Reccommitment Ranges, republished the same at 52 Pa.B. 2351 (April 23, 2022), and held two public hearings.

On June 2, 2022, the Commission voted to delay action on adoption, providing staff with an opportunity to address the following issues: consideration of the seriousness of the initial conviction offense, as required by statute; consideration of the rehabilitative needs of the defendant, as required by statute; concerns that recommendations for technical violators included a minimum period of time, and did not address disciplinary infractions or recommitments to non-correctional facilities; and concerns that recommendations for convicted violators were linked to the 7th Edition Sentencing Guidelines, which would be inconsistent with proposals the Commission was preparing for new sentencing guidelines. Staff reviewed proposals with the Parole Board and drafted revised recommitment ranges for consideration by the Commission, which included an additional section (§ 311.6 (relating to parole violator tables)) with new tables for clearer presentation of recommendations.

On December 8, 2022, the Commission approved for the purpose of receiving public comment revised proposed State Parole Reccommitment Ranges, which were published at 53 Pa.B. 260 (January 7, 2023), and six public hearings were held. The proposed recommitment ranges are intended to document existing practices and serve as interim recommitment ranges until validation of the Static Risk Offender Needs Guide—Revised (STRONG-R) risk assessment instrument by the Department of Corrections and the related reconstruction of the initial parole guidelines.

On March 9, 2023, the Commission adopted the State Parole Reccommitment Ranges, 204 Pa. Code §§ 311.1—311.6. State Parole Reccommitment Ranges become effective 90 days after publication unless rejected by concu-

rent resolution of the General Assembly and apply to all state parole violation hearings initiated on or after January 1, 2024.

*Description of Amendments*

Provided as follows is a description of each of the sections of the adopted State Parole Recommitment Ranges. The adopted State Parole Recommitment Ranges are set forth in Annex A.

§ 311.1. *Preliminary provisions*

This section addresses the statutory authorization to adopt recommitment ranges and includes a list of definitions of words and phrases used in the recommitment ranges. Certain definitions provided in the proposed recommitment ranges are amended or other definitions added to conform with definitions adopted in the State Parole Guidelines and the 8th Edition Sentencing Guidelines.

§ 311.2. *Parole violator recommitment range standards*

This section addresses the requirements related to the consideration of the recommitment ranges and the reporting of decisions to the Commission. Procedures for reporting recommitment information and decisions are the same as those developed for the reporting of parole information and decisions, utilizing an export of data from the Board to the Commission by means of JNET and the Commission’s sentencing guidelines application.

§ 311.3. *Procedure for determining parole violator recommitment range*

This section defines the two types of violators: technical parole violator and convicted parole violator; and describes the general procedures for determining the applicable range and consideration of aggravating or mitigating circumstances.

§ 311.4. *Technical parole violator recommitment ranges*

This section includes general provisions for consideration of ranges for technical parole violators, including the description of specified violation conditions for which individuals are recommitted to correctional facilities, and those otherwise recommitted to non-correctional facilities, including group facilities and parole violator centers; and the specific provisions for determining the recommitment ranges for technical parole violators. Amendments to the proposed recommitment ranges, for technical parole violators, consistent with § 311.6, include adjustments to recommendations for non-violent cases recommitted to correctional facilities and commitments to community facilities and parole violator centers. These amendments are in response to comments received during public hearings and the consideration of time served following revocation.

§ 311.5. *Convicted parole violator recommitment ranges*

This section includes general provisions for consideration of ranges for convicted parole violators, including the specific provisions related to the recommended ranges determined in part on the seriousness of the new conviction offense based on the corresponding level of the 8th Edition Sentencing Guidelines. Amendments to the proposed recommitment ranges are limited to updating the designation of certain offense gravity scores consistent with the 8th Edition Sentencing Guidelines.

§ 311.6. *Parole violator tables*

This section includes two tables that display recommitment ranges. Subsection (a) (relating to table 1—technical parole violator recommitment ranges) addresses technical

parole violator recommitment ranges; subsection (b) (relating to table 2—convicted parole violator recommitment ranges) addresses convicted parole violator recommitment ranges. Amendments to the proposed recommitment ranges, for technical parole violators, consistent with § 311.4 (relating to technical parole violator recommitment ranges), include adjustments to recommendations for non-violent cases recommitted to correctional facilities and commitments to community facilities and parole violator centers. These amendments are in response to comments received during public hearings and the consideration of time served following revocation.

*Effective Date*

State Parole Recommitment Ranges shall become effective January 1, 2024, and apply to all State parole violation hearings initiated on or after that date, unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b) (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation).

*Resource Utilization*

Prior to the adoption of amendments to the recommitment ranges, the Commission is required to use a correctional population simulation model to determine the resources that are required under current recommitment ranges and the resources that would be required to carry out any proposed amendments to the recommitment ranges. 42 Pa.C.S. § 2153(a)(15).

Since the State Parole Recommitment Ranges adopted by the Commission are initial ranges, there are no current ranges to serve as a baseline and no basis for determining Board compliance with the State Parole Recommitment Ranges. However, in developing the ranges in conjunction with the Board, the Commission sought to incorporate existing regulations and statutes as well as practices of Board decision-makers. For revocations and commitments for technical violators, the adopted ranges reflect statutory requirements as provided in 61 Pa.C.S. § 6138 (relating to violation of terms of parole); and for revocations and commitments for convicted violators, the new ranges standardize recommendations and provide more targeted ranges than existing regulations, while providing coordination with the sentencing guidelines for new conviction offenses. Taken together, the addition of recommitment ranges may result in modest reductions in the use of resources but should substantially improve the transparency of decisions and the data collected and available for future analysis.

The new State Parole Recommitment Ranges generally reflect current recommitment practices. Therefore, no substantial change in resource utilization is anticipated.

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VIII. CRIMINAL SENTENCING**

**CHAPTER 311. STATE PAROLE RECOMMITMENT RANGES**

Sec.	
311.1.	Preliminary provisions.
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### § 311.1. Preliminary provisions.

#### (a) Authorization.

(1) As authorized by 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by board), the Commission shall adopt recommitment ranges that shall be considered by the Board when exercising its power to reparole, commit and recommit for violations of parole any person sentenced by a court in this Commonwealth to imprisonment in any correctional institution.

(i) The recommitment ranges shall take into account:

- (A) the seriousness of the initial conviction offense;
- (B) the level of seriousness of the violation; and
- (C) the rehabilitative needs of the defendant.

(ii) At the end of the recommitment period, the parole violator shall be reviewed for parole or, without further review, shall be repared.

(b) *Definitions.* For purposes of this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

*“Aggregated sentence.”* Two or more consecutive sentences that have been combined whereby the aggregate minimum term is the sum of the consecutive minimum terms and the maximum term is the sum of the consecutive maximum terms.

*“At liberty on parole.”* The period of conditional liberty and freedom from confinement on a particular sentence that a [ **parolee** ] **paroled person** enjoys during which time the [ **parolee** ] **person** is in compliance with the terms and conditions of parole.

*“Automatic reparole.”* An immediate release from a State correctional institution, contracted county jail, community corrections center, or community corrections facility based on the date stated on the Board action. Disciplinary infractions result in removal of automatic parole.

*“Board.”* Pennsylvania Parole Board [ **(PB)** ]. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole [ **offenders** ] **persons** sentenced to [ **two years or more** ] **confinement in a State facility**.

**CCC—community corrections center. A residential facility operated and staffed by the Department of Corrections, Bureau of Community Corrections, to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.**

**CCF—community corrections facility or community contracted facility. A residential facility contracted by the Department and operated by a private or public entity to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.**

**CCJ—contracted county jail. Secure county facilities contracted by the Department for confinement of convicted persons.**

*“Commission.”* Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt guidelines for parole and recommitment ranges following revocation of parole to be considered by the Board.

*“Concurrent sentence.”* Sentences imposed to be served simultaneously or at the same time.

*“Consecutive sentence.”* Sentences imposed to be served one after another. **[ State law requires that consecutive sentences be aggregated into one sentence structure with one minimum and one maximum sentence ] As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f) (relating to sentencing proceeding; place of confinement), consecutive confinement sentences shall be aggregated into a single sentence with one minimum term and one maximum term.**

*“Constructive parole.”* A grant of parole when an inmate is released from one sentence but remains confined while serving another sentence, rather than being released from confinement.

*“Convicted parole violator.”* **[ Parolee ] A paroled person** under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the [ **parolee** ] **person** is convicted or found guilty by a judge or jury or to which the [ **parolee** ] **person** pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1) (relating to violation of terms of parole).

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

**Conviction violation. Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Violations including both technical and conviction violation are considered conviction violations. Also see direct violation.**

**Correctional facilities. Secure facilities operated or contracted by the Department including SCI and CCJ.**

**Court.” Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.**

**Cox hearing. An evidentiary hearing to determine if a paroled person’s stay at a CCC/CCF is the equivalence of incarceration.**

*“Department.”* Pennsylvania Department of Corrections. An executive branch agency responsible for operating the state prison system and providing parole supervision of reentrants. Facilities included in statute for recommitment are CCC, CCF, PVC, and SCI.

**[ PVC—parole violator centers. Secure facilities operated or contracted by the Department to address violation behavior, which may be located at correctional facilities or group facilities. A CCC or CCF may be used for technical parole violators to provide immediate treatment and programming to address violation behavior using a Community**

Based Life Skills (CBLs) program. Participation is for a maximum period of six months with automatic reparole. An SCI or CCJ may be used for technical parole violators who are not eligible to be placed in a CCC or CCF to receive the treatment and programming otherwise provided in a CCC or CCF.

**Correctional facilities.** Secure facilities operated or contracted by the Department, including SCI and CCJ.

**CCJ—contracted county jail.** Secure county facilities contracted by the Department for confinement of offenders.

**SCI—State correctional institution.** Secure facilities maintained by the Department for confinement of offenders, classified into four security levels: minimum, medium, close, and maximum; and including special facilities for diagnostics and classification, substance abuse treatment, psychiatric care and treatment, capital case inmates, and a motivational boot camp.

**Group facilities.** Residential facilities operated or contracted by the Department, including CCC and CCF.

**CCC—community corrections center.** A residential facility operated and staffed by the Department of Corrections, Bureau of Community Corrections, to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

**CCF—community corrections facility or community contracted facility.** A residential facility contracted by the Department and operated by a private or public entity to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions. ]

**“Detainer.”** A written order of the Department to hold a person in custody in a correctional institution pending further legal action.

**Detention hearing.** A first-level, probable cause hearing to determine whether there is probable cause that a paroled person should be detained or returned pending disposition of a new criminal charge.

**“Direct violation.”** Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Also see conviction violation.

**Group facilities.** Residential facilities operated or contracted by the Department, including CCC and CCF.

**“Hearing examiner.”** An agent of the Board who is empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels, and conduct parole interviews on behalf of the Board.

**“Hearing.”** Includes Cox hearing, detention hearing, preliminary hearing, rescission hearing, revocation hearing and violation hearing.

**[ Cox hearing.** An evidentiary hearing to determine if a parolee’s stay at a CCC/CCF is the equivalence of incarceration.

**Detention hearing.** A first-level, probable cause hearing to determine whether there is probable cause that a parolee should be detained or returned pending disposition of a new criminal charge.

**Preliminary hearing.** A first-level, probable cause hearing to determine whether there is probable cause to believe that a parolee has committed a violation of a condition of parole.

**Rescission hearing.** A hearing to decide whether there is good cause for rescinding parole.

**Revocation hearing.** A second-level, fact-finding hearing held by the Board to determine whether a parolee violated the terms and conditions of parole and, if so, should be recommitted as a convicted parole violator.

**Violation hearing.** A second-level, fact-finding hearing held by the Board to determine whether a parolee violated the terms and conditions of parole and, if so, should be recommitted as a technical violator. ]

**“Indirect violation.”** A violation of parole by a breach of the terms and conditions of parole other than the commission of a new criminal offense of which the [ **offender** ] **paroled person** is found guilty or pleads guilty or nolo contendere. Also see technical violation.

**“Judicial proceeding.”** A sentencing hearing in which all offenses for which [ **the offender** ] a **person** is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple **dockets and OTNs**.

**“NV—non-violent offender.”** [ **An offender** ] **A paroled person** who is not currently nor was previously convicted of a violent offense, used to determine the parole guidelines and the seriousness of the initial conviction offense for a conviction violation. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

**“OGS—offense gravity score.”** An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense, which is used to determine the sentencing level of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**).

**“Order of service of sentence.”** As provided in 61 Pa.C.S. § 6138(a)(5) and (5.1), if a new sentence of confinement is imposed on a convicted parole violator, the service of the balance of the original sentence shall precede the commencement of the service of the new sentence imposed, if the person was paroled from an SCI and is sentenced to an SCI or by a foreign jurisdiction, or the person was paroled from a county jail and is sentenced to the same county jail or by a foreign jurisdiction. Otherwise, the service of the new confinement sentence shall precede the service of the recommitment on the original sentence.

**“Original sentence.”** The sentence resulting from the original conviction. It is from this sentence the Board paroles the inmate and the [ **parolee** ] **paroled person** serves the remaining time on the street unless recommitted by the Board.

**“Panel.”** A two-member unit of the Board comprised of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

**“Parole.”** The conditional release from confinement of an inmate from a correctional facility, to serve the remainder of the unserved balance of the maximum term

in the community under supervision, as long as the [ **parolee** ] **paroled person** satisfactorily complies with all terms and conditions provided in the parole order. There is no right to parole in this Commonwealth.

*“Parole decision.”* A decision by the Board to grant parole or refuse to grant parole.

*“Parole violation.”* A finding following a hearing that the [ **offender** ] **paroled person** failed to comply with terms and conditions of parole.

***Conviction violation.*** Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Violations including both technical and conviction violation are considered conviction violations. Also see direct violation.

***Technical violation.*** Failure to comply with the terms and conditions of parole, other than by the commission of a new offense of which the offender is convicted. Also see technical parole violation. Also see indirect violation. ]

*“Parole violator.”* [ **An offender** ] **A person** under parole supervision in the community who commits a technical violation or conviction violation. Also see convicted parole violator and technical parole violator.

***PVC—parole violator centers.*** Secure facilities operated or contracted by the Department to address violation behavior, which may be located at correctional facilities or group facilities. A CCC or CCF may be used for technical parole violators to provide immediate treatment and programming to address violation behavior using a Community Based Life Skills program. Participation is for a maximum period of six months with automatic reparole. An SCI or CCJ may be used for technical parole violators who are not eligible to be placed in a CCC or CCF to receive the treatment and programming otherwise provided in a CCC or CCF.

***Preliminary hearing.*** A first-level, probable cause hearing to determine whether there is probable cause to believe that a paroled person has committed a violation of a condition of parole.

*“Recommitment range.”* A recommended range of time for which a parole violator may be recommitted, to serve all or part of the unserved balance of the sentence for which the [ **offender** ] **person** was paroled, based on the seriousness of the initial conviction, the seriousness of the violation, and the rehabilitative needs of the [ **offender** ] **person**.

*“Rescission.”* The revocation of a grant of parole based upon an inmate’s conduct occurring prior to release on parole which conduct is unknown to the Board at the time parole was granted.

***Rescission hearing.*** A hearing to decide whether there is good cause for rescinding parole.

*“Revocation.”* A decision to revoke parole and to recommit [ **an offender** ] **a paroled person** after a revocation or violation hearing.

***Revocation hearing.*** A second-level, fact-finding hearing held by the Board to determine whether a

paroled person violated the terms and conditions of parole and, if so, should be recommitted as a convicted parole violator.

***SCI—State correctional institution.*** Secure facilities maintained by the Department for confinement of convicted persons, classified into four security levels: minimum, medium, close, and maximum; and including special facilities for diagnostics and classification, substance abuse treatment, psychiatric care and treatment, capital case inmates, and a motivational boot camp.

*“[ **SGS Web—s** ] **Sentencing guidelines [ software web ] application.”** A JNET web-based application developed and operated by the Commission [ which includes the modules for sentencing, resentencing, and parole guidelines ] and required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission. [ **SGS Web is the sentencing guidelines application used to prepare guidelines and report sentences during the initial implementation of the 8th Edition Sentencing Guidelines serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences** ].*

*“Sentencing level.”* A category of offense gravity scores, [ **determined by** ] **provided in the 8th Edition [ s ] Sentencing [ g ] Guidelines**, which is used to determine the recommitment ranges of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines, **8th edition**).

*“Technical parole violator.”* [ **Parolee** ] **A paroled person** under the jurisdiction of the Board who violates the terms and conditions of [ **his** ] parole, other than by the commission of a new crime of which the [ **parolee** ] **person** is convicted or found guilty by a judge or jury or to which the [ **parolee** ] **person** pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c).

***Technical violation.*** Failure to comply with the terms and conditions of parole, other than by the commission of a new offense of which the paroled person is convicted. Also see technical parole violation. Also see indirect violation.

*“Unexpired term.”* The period of time the person has remaining on the unserved portion of the person’s original sentence.

*“V—violent offender.”* A designation used in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14 (relating to sentences for second and subsequent offenses; sexual offender treatment; and sexual offenses and tier system), or for an offense otherwise designated by the Board as a violent offense. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

***Violation hearing.*** A second-level, fact-finding hearing held by the Board to determine whether a paroled person violated the terms and conditions of parole and, if so should be recommitted as a technical parole violator.

**§ 311.2. Parole violator recommitment range standards.**

(a) The Board shall consider recommitment ranges in determining the recommitment time recommended for technical and convicted parole violators.

(b) In every case in which the Board deviates from the recommitment ranges, the Board shall provide a contemporaneous written statement of the reasons for the deviation from the recommitment ranges to the Commission as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission).

(c) The recommitment ranges apply to revocations of parole when recommitment is ordered by the Board.

(d) The recommitment ranges shall apply to all State parole violation hearings initiated on or after January 1, 2024. Amendments to the recommitment ranges shall apply to all State parole violation hearings initiated on or after the effective date of the amendment to the recommitment ranges.

(e) Unless otherwise provided by the Commission, the **[ SGS Web ] sentencing guidelines application** shall be used by the Board to do the following:

(1) Provide required information on the violation used to determine the recommended recommitment range.

(2) Provide details on the recommitment order, including the type of facility (i.e., correctional facility, group facility and/or parole violator center) and the duration of the recommitment.

(3) Report the date of recommitment and date of eligibility for re-parole or automatic **[ release ] reparole**.

(4) Attach a copy of the completed State Parole Guidelines Form, **as provided in § 309.5 (relating to State Parole Guidelines Form)**, used to report the grant of parole.

**§ 311.3. Procedure for determining parole violator recommitment range.**

(a) For each parole recommitment of **[ an offender ] a paroled person** under the jurisdiction of the Board, the procedure for determining the recommended recommitment range is as follows:

(1) Determine if the **[ offender ] paroled person** is a technical parole violator or a convicted parole violator:

(i) A technical parole violator is a **[ parolee ] paroled person** under the jurisdiction of the Board who violates the terms and conditions of parole, other than by the commission of a new crime of which the **[ parolee ] person** is convicted or found guilty by a judge or jury or to which the **[ parolee ] person** pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c) (relating to violation of terms of parole).

(ii) A convicted parole violator is a **[ parolee ] paroled person** under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the **[ parolee ] person** is convicted or found guilty by a judge or jury or to which the **[ parolee ] person** pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a).

(2) Consider the recommitment ranges as follows:

(i) For a technical parole violator, consider the recommendations provided in § 311.6(a) (relating to table 1—technical parole violator recommitment ranges) in Table 1, based on the following:

(A) Determine if the **[ offender ] paroled person** is a violent offender, as provided in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14 (relating to sentences for second and subsequent offenses; sexual offender treatment; and sexual offenses and tier system), or for an offense otherwise designated by the Board as a violent offense.

(B) Determine if the **[ offender ] paroled person** is being recommitted to a correctional facility, as provided in 61 Pa.C.S. § 6138(d), or to a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e), and the number of recommitments to a correctional facility.

(C) Determine if any disciplinary infractions provided in 61 Pa.C.S. § 6138(d)(5) or (e)(3) apply to the **[ offender ] paroled person**.

(D) Identify the recommended recommitment range.

(ii) For a convicted parole violator, consider the recommendations provided in § 311.6(b) (relating to table 2—convicted parole violator recommitment ranges) in Table 2, based on the following:

(A) Determine if the **[ offender ] paroled person** is a violent offender, as provided in the parole guidelines based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1 and 9799.14, or for an offense otherwise designated by the Board as a violent offense.

(B) Determine the offense gravity score and the corresponding sentencing level of the most serious new conviction offense.

(C) Identify the recommended recommitment range.

(b) Consider any aggravating and mitigating circumstances, including progress on parole prior to revocation and the rehabilitative needs of the **[ offender ] paroled person**, when determining the duration of recommitment and prescribed treatment and programming.

(c) Determine the recommitment period, and report the decision, reasons for deviation, and other required information to the Commission, as provided in § 311.2 (relating to parole violator recommitment range standards).

**§ 311.4. Technical parole violator recommitment ranges.**

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a **[ parolee ] paroled person** violates a general or specific condition of parole and the Board orders recommitment as a technical parole violator after the necessary violation hearing(s).

(2) The Board shall determine if any of the following specified violation conditions, as provided in 61 Pa.C.S. § 6138(c)(1.3) (relating to violation of terms of parole), are present:

(i) Violation was sexual in nature.

(ii) Violation involved assaultive behavior or included a credible threat to cause bodily injury to another.

(iii) Violation involved possession or control of a weapon.

(iv) [ **Parolee** ] **The paroled person** absconded and cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(v) An identifiable threat exists to public safety and [ **parolee** ] **the paroled person** cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(vi) The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the [ **parolee** ] **paroled person** cannot be safely diverted.

(3) As provided in 61 Pa.C.S. § 6138(c)(1), unless the Board determines a specified violation condition is present, a technical parole violator shall be committed to a group facility or [ **secured facility** ] **parole violator center**, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(e), for a maximum period of six months, after which the [ **offender** ] **person** shall automatically be reparaed without further action by the Board.

(iii) The maximum period of recommitment and automatic reparaol shall not be applicable to [ **an offender** ] **a paroled person** if any of the following apply:

(A) Commits a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spends more than 61 days in segregated housing due to one or more disciplinary infractions.

(C) Refuses programming or a work assignment.

(D) Is not in compliance with all legal requirements applicable to the [ **offender** ] **paroled person**, including but not limited to, maintaining registration in any applicable sex offender registry.

(4) As provided in 61 Pa.C.S. § 6138(c)(1.3), when the Board determines that one or more specified violation conditions are present, a technical parole violator shall be committed to a correctional facility, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(d), for a maximum period as described below, after which the [ **offender** ] **person** shall automatically be reparaed without further action by the Board:

(A) For the first recommitment, a technical parole violator shall serve not more than six months.

(B) For the second recommitment for the same sentence, a technical parole violator shall serve not more than nine months.

(C) For the third and subsequent recommitment for the same sentence, a technical parole violator shall serve not more than one year.

(iii) The maximum period of recommitment and automatic reparaol shall not be applicable to [ **an offender** ] **a paroled person** if any of the following apply:

(A) Committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spent more than 90 days in segregated housing due to one or more disciplinary infractions.

(C) Refused programming or a work assignment.

(b) *Specific provisions.*

(1) Technical violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the State parole guidelines whether the [ **offender** ] **paroled person** is designated as a violent offender or non-violent offender.

(ii) The type of facility to which the [ **offender** ] **paroled person** is being recommitted. Type of facility includes a correctional facility, as provided in 61 Pa.C.S. § 6138(d), and a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e).

(iii) The number of recommitments for the same sentence. When recommitted to a correctional facility, the maximum period of a recommitment is determined by the number of recommitments, as provided in 61 Pa.C.S. § 6138(d)(3). For recommitment to a group facility or parole violator center, the maximum period is six months, notwithstanding the number of recommitments for the same sentence, as provided in 61 Pa.C.S. § 6138(e)(2).

(iv) Any disciplinary infractions committed by the [ **offender** ] **paroled person**. The time limits and automatic reparaol provided in statute are not applicable in the case of [ **an offender** ] **a person** who commits certain disciplinary infractions, and separate recommitment recommendations are provided. The types of disciplinary infractions in a correctional facility are provided in 61 Pa.C.S. § 6138(d)(5); the types of disciplinary infractions in a group facility or parole violator center are provided in 61 Pa.C.S. § 6138(e)(3).

(v) The time required to receive treatment and programming to meet the rehabilitative needs of the [ **offender** ] **paroled person**. The corrective programming required to address the needs of the [ **offender** ] **paroled person** associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The technical parole violator recommitment ranges, as described below, are provided in § 311.6(a) (relating to table 1—technical parole violator recommitment ranges) in Table 1.

(i) When applied to [ **offenders** ] **persons** recommitted to group facilities **or parole violator centers**:

(A) The recommended recommitment range for a non-violent offender placed in a group facility or parole violator center, except for those with disciplinary infrac-

tions, is a [ **maximum** ] range of time served to six months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a group facility or parole violator center, except for those with disciplinary infractions, is a [ **maximum** ] range of three months to [ nine ] six months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for [ **an offender** ] a person placed in a group facility or parole violator center with disciplinary infractions is a maximum of 12 months. Reparole requires action by the Board.

(ii) When applied to [ **offenders** ] persons recommitted to correctional facilities:

(A) The recommended recommitment range for a non-violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a [ **maximum** ] range of time served to six months; for a second violation a [ **maximum** ] range of time served to nine months; and for a third or subsequent violation is a [ **maximum** ] range of time served to 12 months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a range of three to six months; for a second violation a range of six to nine months; and for a third or subsequent violation is a range of nine to 12 months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for [ **an offender** ] a person with disciplinary infractions placed in a correctional facility is a maximum of 12 months for a first violation; a maximum of 18 months for a second violation; and a maximum of 24 months for a third or subsequent violation. Reparole requires action by the Board.

(3) Determine the recommitment period and provide reasons if a deviation from the recommitment ranges.

### § 311.5. Convicted parole violator recommitment ranges.

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a [ **parolee** ] paroled person is convicted of a new offense committed while on parole and the Board orders recommitment as a convicted parole violator after the necessary violation hearing(s).

(2) As provided in 61 Pa.C.S. § 6138(a) (relating to violation of terms of parole), the Board may, at its discretion, revoke the parole of [ **an offender** ] a paroled person convicted of a crime committed while on parole, and including certain enumerated summary offenses.

(i) If the [ **offender's** ] paroled person's parole is revoked, the [ **offender** ] person shall be recommitted to a correctional facility to serve the remainder of the term which the [ **offender** ] person would have been compelled to serve had the parole not been granted, and the Board shall determine whether any credit shall be granted for time at liberty on parole.

(ii) The Board may, in its discretion, reparole a convicted parole violator whenever the best interests of the [ **offender** ] person justify or require the [ **offender** ] person's release on parole and it does not appear that the interests of the Commonwealth will be injured.

(iii) The period of time for which the [ **offender** ] paroled person is required to serve shall be computed by the Board.

(3) The Board shall consider the applicable recommitment ranges described in subsection (b).

(b) *Specific provisions.*

(1) Convicted violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the State parole guidelines whether the [ **offender** ] person is designated as a violent offender or non-violent offender.

(ii) The level of seriousness of the new conviction offense. The seriousness of the new conviction offense is determined by identifying the highest OGS assignment under the [ **Pennsylvania** ] 8th Edition Sentencing Guidelines of all new conviction offenses, and then determining the corresponding sentencing level **for that offense**. For out-of-State convictions, the current equivalent [ **Pennsylvania** ] offense under the 8th Edition Sentencing Guidelines applies. Summary offenses are assigned the lowest offense gravity score (OGS 1) and the corresponding sentencing level (Level A). Murder of the first degree and murder of the second degree are assigned the highest offense gravity scores [ **(Murder 1 A/B/C, Murder 2 A/B/C)** ] (OGS H-1 through OGS H-6) and the corresponding sentencing level (Level H).

(iii) The time required to receive treatment and programming to meet the rehabilitative needs of the [ **offender** ] paroled person. The corrective programming required to address the needs of the [ **offender** ] paroled person associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The convicted parole violator recommitment ranges, as described below, are provided in § 311.6(b) (relating to table 2—convicted parole violator recommitment ranges) in Table 2.

(i) The recommended recommitment range for a non-violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 18 to 30 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 24 to 36 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 48 months to

the unserved balance of the sentence from which the [ **offender** ] **person** was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1[ - ] **and** OGS G-2), a range of 48 months to the unserved balance of the sentence from which the [ **offender** ] **person** was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to the unserved balance of the sentence from which the [ **offender** ] **person** was paroled.

(ii) The recommended recommitment range for a violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 24 to 36 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 36 to 48 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 60 months to the unserved balance of the sentence from which the [ **offender** ] **person** was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1[ - ] **and** OGS G-2), a range of 60 months to the unserved balance of the sentence from which the [ **offender** ] **person** was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to

the unserved balance of the sentence from which the [ **offender** ] **person** was paroled.

(iii) When the Board determines that one or more aggravating circumstances are present, the Board may consider a recommitment period:

(A) For Level A (OGS 1—OGS 3), up to three months longer than the upper limit of the recommitment range.

(B) For Level B (OGS 4—OGS 7), up to six months longer than the upper limit of the recommitment range.

(C) For Level C (OGS 8—OGS 12), up to six months longer than the upper limit of the recommitment range.

(D) For Level D (OGS 13—OGS 16), up to 12 months longer than the upper limit of the recommitment range.

(E) For Level E (OGS 17—OGS 26), up to 12 months longer than the upper limit of the recommitment range.

(iv) When the Board determines that one or more mitigating circumstances are present, the Board may consider a recommitment period:

(A) For Level B (OGS 4—OGS 7), up to six months shorter than the lower limit of the recommitment range.

(B) For Level C (OGS 8—OGS 12), up to six months shorter than the lower limit of the recommitment range.

(C) For Level D (OGS 13—OGS 16), up to 12 months shorter than the lower limit of the recommitment range.

(D) For Level E (OGS 17—OGS 26), up to 12 months shorter than the lower limit of the recommitment range.

(E) For Level F (OGS 27—OGS 30), up to 24 months shorter than the lower limit of the recommitment range.

(F) For Level G (OGS G-1[ - ] **and** OGS G-2), up to 24 months shorter than the lower limit of the recommitment range.

(3) Determine the recommitment period and provide reasons if an aggravated or mitigated duration or deviation from the recommitment ranges.

§ 311.6. Parole violator tables.

(a) Table 1—Technical parole violator recommitment ranges.

<i>Correctional Facility Recommitments</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Disciplinary Infractions 61 Pa.C.S. § 6138(d)(5) 61 Pa.C.S. § 6138(e)(3)</i>
1st violation	<b>TS—6 months [ maximum ]</b>	3—6 months	12 months maximum
2nd violation	<b>TS—9 months [ maximum ]</b>	6—9 months	18 months maximum
3rd/subseq. violation	<b>TS—12 months [ maximum ]</b>	9—12 months	24 months maximum
<i>CCC/CCF/PVC Recommitments</i>	<b>[ 3 ] TS—6 months [ maximum ]</b>	<b>3—6 months [ maximum ]</b>	12 months maximum

**TS = time served**

**(b) Table 2—Convicted parole violator recommitment ranges.**

<i>Sentencing Level</i>	<i>New Conviction</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Agg/Mit</i>
A	OGS 1—OGS 3	1—6 months	1—6 months	+ 3
B	OGS 4—OGS 7	6—12 months	6—12 months	+/- 6
C	OGS 8—OGS 12	12—18 months	12—18 months	+/- 6
D	OGS 13—OGS 16	18—30 months	24—36 months	+/- 12
E	OGS 17—OGS 26	24—36 months	36—48 months	+/- 12
F	OGS 27—OGS 30	N/A	60—unserved balance	- 24
G	OGS G-1[ - ] <b>and</b> OGS G-2	N/A	60—unserved balance	- 24
H	OGS H-1—OGS H-6	N/A	Maximum/unserved balance	N/A

**N/A = not applicable**

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