

702798

PAROLE DECISION-MAKING GUIDELINES

MINNESOTA CORRECTIONS BOARD

July, 1979

.1 Introduction:

- a. The Minnesota Corrections Board has three main goals: (1) to protect the public, (2) to deter crime, and (3) to rehabilitate offenders. In order to accomplish these goals, the Minnesota Corrections Board will consider factors relating to risk of failure on parole, severity of the committing offense, and inmate behavior and conduct while imprisoned to determine the length of time individual inmates will be incarcerated.
- b. The objectives of the parole decision-making guidelines are:
  - (1) To provide a rational method of determining length of incarceration which allows the Minnesota Corrections Board to accomplish its goals;
  - (2) To establish a method of parole decision-making that assures equitable treatment of inmates;
  - (3) To assign target release dates to inmates at their initial appearance before the Minnesota Corrections Board.

.2 Determining Time to be Served Prior to Parole:

- a. Assigning a target release date:

After implementation of these guidelines, each inmate will be assigned a target release date, either at the inmate's admission hearing or at the inmate's next annual review. It will be the policy of the Minnesota Corrections Board that similar inmates committing similar offenses and with similar institutional behavior ought to serve similar periods of incarceration prior to parole.
- b. Factors used to assign target release date:

In assigning a target release date, the Minnesota Corrections Board will consider factors relating to the risk of failure on parole, the severity of the committing offense, and aggravating or mitigating factors. The Board will classify inmates into similar categories of risk of failure and severity of committing offense. The Board will use an empirical parole prediction device as an aid to their clinical judgment and will use an offense severity ranking, copies of which are included in the Forms section of these guidelines (7-105.0). The Board will use a parole release date matrix to determine target release dates for similar categories of inmates. In each case the Board will determine if significant aggravating or mitigating factors are present in the case. If such factors are present, the Board may adjust the time to a more appropriate level and must provide the inmate with a written statement of the reasons for this decision.

7-104.2  
cont'd.

c. Mutual Agreement Program (MAP) contract:

Effective July 1, 1978, all inmates who will reach their target release dates in 30 months or less are eligible for MAP contracts. Inmates completing MAP contracts who were convicted of crimes where the victim was injured, or convicted of sex offenses or where, regardless of offense title, a reading of the official description of the offense indicates it was of a sexual nature, may not be released earlier than 120 days before the target release date. Moreover, for these inmates, where a psychological or psychiatric evaluation indicates a characterological disorder, inmates will be released only to a program designed to treat that disorder. Where no characterological disorder is found, these inmates will be released only through work release. Inmates eligible for participation in MAP contracts will be assigned a target release date by the Board and can at a later date "contract" for a MAP release date with the MAP coordinator. The MAP release date will be somewhere within the range indicated on the Parole Release Date Matrix and will depend upon the amount of involvement in institutional programming included in the contract. The lower figure of the ranges indicated in the Parole Release Date Matrix is the soonest date a person could be released with completion of a MAP contract. The target release date is a guaranteed parole date with non-participation or non-completion of a MAP contract and with good institutional behavior. The MAP release date, upon ratification by the Board, is a guaranteed release date upon prior completion of the MAP contract and with good institutional behavior. For persons not eligible for MAP contracts, participation in education, vocational training, job assignments, or treatment will not affect their target release date.

d. Effect of institutional misconduct on time served until parole:

If an inmate is convicted of or pleads guilty (including so-called waivers) to a violation of the institutional disciplinary code that could be charged as a felony, gross misdemeanor, or misdemeanor in a criminal court, the Board will extend the target release date assigned at initial hearing. The length of the extension will vary with the seriousness of the misconduct.

7-104.2E Rectifying Errors in Previously Assigned Target Release Dates

If the Board discovers it acted upon erroneous information or incorrect computation in assigning a target release date, the Board can assign a new target release date based upon correct information or computation. The inmate may invoke verification procedures under section 7-104.4(3), but once verified, the inmate may not assert a claim to the prior target release date based upon erroneous information.

.3 Application of the Guidelines:

a. New admissions:

Persons admitted to Minnesota adult correctional institutions on or after April 5, 1976, will be assigned target release dates under provisions of these guidelines at their initial hearing, normally within two months of their admission date.

7-104.3

cont'd. b. Persons in the population on May 3, 1976:

Persons in the population of adult correctional institutions on May 3, 1976, will be assigned a target release date at the time of their next annual review. In the event that an inmate in the population on the date of implementation will have served longer than the "upper limit" indicated by the Parole Release Date Matrix before his or her next annual review, that inmate may request a special review prior to the next annual review.

- (1) If an inmate requests a special review under Section 7-104.3b (above), the request will be screened by a single member of the Board who will determine the accuracy of the factual information on which the request is based.
- (2) If the member determines that the actual information is correct, the case will be placed on a calendar within thirty days. The inmate is entitled to a personal appearance before the Board at this hearing.
- (3) If the member finds that the facts do not support the inmate's request, the member will give a written statement to the inmate stating the reasons for the finding.

.4 Types of Hearings Under These Guidelines:

There are three types of hearings under these guidelines: initial hearing (at which the target release date is assigned), interim annual review, and re-entry hearings.

a. Initial hearings

(1) Purpose of hearing:

The purpose of the initial hearing is to ensure that the Board has complete and accurate information on each case in order to assign an appropriate target release date.

(2) Personal appearance of inmate:

- (a) Inmates serving a Minnesota sentence who are in custody in a Minnesota correctional institution are entitled to a personal appearance before the Board at the hearing at which a target release date is assigned. If an inmate signs a written waiver of his or her entitlement to a personal appearance, or if an inmate refuses to sign a waiver or attend the hearing, the Board may, at its discretion, assign a target release date in the inmate's absence.
- (b) Inmates serving a Minnesota sentence who have been transferred to an institution in another state, or transferred to a federal institution, are not entitled to a personal appearance before the Board at the hearing at which a target release date is assigned.



7-104.4  
cont'd.

(3) Responsibility of caseworker:

- (a) Providing to the inmate and the Board the following information ten working days before the initial hearing:
  - i. Information needed to assess risk of failure on parole.
  - ii. Information needed to assess the severity of the committing offense.
  - iii. Information regarding aggravating or mitigating circumstances.
  - iv. Presentence investigation.
  - v. Sentencing transcript.
  - vi. Psychiatric or psychological reports.
  - vii. Institutional case summary.
- (b) Verifying all the above information by consulting official records.
- (c) Re-verifying information on which the inmate contends the official records available to the caseworker are in error.
- (d) Explaining to the inmate prior to the hearing MAP (Mutual Agreement Program) eligibility requirements, the effect of MAP participation on time incarcerated, and the procedures for initiating a MAP contract.

(4) Role of inmate:

The inmate may present any documentary material to the Board which deals with the information considered by the Board at the hearing. The inmate may challenge the accuracy of factual information used by the Board to arrive at a decision. If the challenged information has not been reverified, the Board will continue the case until reverification is complete. If the challenged information has been reverified, the inmate is responsible for re-checking the disputed information, and the Board may assign a target release date based on the reverified, but disputed, information. If the inmate produces new information which indicates that the Board acted upon erroneous data, the Board will schedule a new hearing for the purpose of assigning a target release date based upon accurate information.

(5) Responsibility of the Minnesota Corrections Board:

The Board will review the information prepared by the caseworker relating to risk of failure, severity of committing offense, aggravating or mitigating factors, pre-sentence investigation, sentencing transcripts, psychiatric or psychological reports, etc., and will review any documentary material on these matters presented by the inmate. The Board will assign a target release date, and where the date deviates from the time indicated by the Parole Release Date Matrix, the Board will provide the inmate with a written statement of the reasons for its decision and the information used to make that decision.

7-104.4

cont'd. . b. Interim annual reviews

Annual reviews between the initial hearing and the re-entry hearing will be non-appearance reviews. For these annual reviews the caseworker will prepare a summary which contains information relative to:

- (1) Inmate progress on MAP contract, if applicable.
- (2) Inmate participation in activities, programs, treatment, education, vocational training, work assignments, etc.
- (3) Any convictions (including guilty pleas or "waivers") of violations of the Inmate Disciplinary Code, and the disposition for each conviction.
- (4) Any reports given the inmate for meritorious behavior.

Caseworkers will provide the copies of this summary to the Board and to the inmate ten working days before the scheduled interim review.

c. Re-entry hearing

It is the policy of the Board that no inmate will be paroled without a satisfactory re-entry plan. Approximately sixty days before the target release date assigned at the initial hearing the Board will hold a re-entry hearing to facilitate development of a re-entry plan.

(1) Purpose of the hearing:

The purpose of the re-entry hearing is to develop an approved general re-entry plan which adequately protects the public and which meets the needs of the inmate.

(2) Personal appearance of inmate:

The inmate is entitled to a personal appearance before the Board at the re-entry hearing.

(3) Responsibility of inmate and caseworker:

The inmate and his or her caseworker will develop a general re-entry plan and will submit the plan to the agent of record at least twenty working days before the scheduled re-entry hearing, and to the Board at least ten working days before the scheduled re-entry hearing. Absence of the inmate from the agent of record at the time of the re-entry hearing will be interpreted by the Board as concurrence with the provisions of the general re-entry plan. This plan shall deal with the following areas:

- (a) Residence
- (b) Employment
- (c) Special conditions

7-104.4  
cont'd.

(4) Role of the Minnesota Corrections Board:

At the re-entry hearing the Board will review the adequacy of general re-entry plan, and, if the proposed plan is inadequate, will make written suggestions for alterations. If the proposed plan is satisfactory, the Board will approve the general re-entry plan and will direct the inmate, caseworker, agent of record, and courtesy agent (if applicable) to develop a detailed re-entry plan. The detailed re-entry plan must be submitted to the Board at least ten working days before the target release date. The Board will review the detailed re-entry plan in a non-appearance review. If the detailed re-entry plan is consistent with the approved general re-entry plan, the Board will grant parole effective on the target release date. If the Board determines that a detailed re-entry plan is inconsistent with the approved general re-entry plan, it will provide a written statement to the caseworker and the inmate which specifies the areas of inconsistencies, and will continue the case until the inconsistencies have been remedied.

.5 Disposition of Special Types of Cases Under the Guidelines:

a. Inmates with multiple committing offenses and concurrent sentences:

The Board will establish the target release date by using the most severe of the committing offenses, as indicated by the Offense Severity Index, and the appropriate risk of failure category. Where an inmate is serving concurrent sentences for two or more offenses of equal severity with different admission dates, and where the inmate has not been paroled on any of the offenses, the target release date will be computed from the initial admission date. The Board may consider the additional committing offenses as aggravating factors and may adjust upwards the target release date.

- (1) Inmates with multiple convictions for first, second, or third degree murder serving concurrent sentences: The Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix for the most severe of the committing offenses and the appropriate risk of failure category, and by adding an additional seven years for each additional first degree murder conviction, by adding an additional five years for each additional second degree murder conviction, and by adding an additional three years for each additional third degree murder conviction.

b. Inmates with multiple committing offenses and consecutive sentences:

The Board will establish the target release date by determining the time indicated by the parole release date matrix for the most severe of the offenses for which there are consecutive sentences, and the appropriate risk of failure level, and then increasing that time by adding the time (or time range) indicated by the parole release date matrix for each consecutive offense at the appropriate level of severity and the lowest level of risk.

7-104.5

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c. Parole revocations with a new felony conviction:

Persons whose parole is violated after conviction of a new felony offense, and who are committed to the Commissioner of Corrections or to the Minnesota Corrections Board, will be considered under these guidelines as a new admission. The Board will add six months to the time indicated by the parole release date matrix (for the parole violation) and will consider the person's previous conviction(s) as an aggravated circumstance when determining a target release date for the new conviction.

d. Retitle: Revocation of Paroles or Work Release for Violations of Technical Rules or New, Non-Felony Criminal Convictions:

The existing language of 7-104.5d is stricken and replaced with the following:

I. Persons violating parole release:

- (a) Generally, those paroled are deemed to have served enough time for the offense for which they were committed. For such people who violate parole with technical violations or new non-felony convictions, the Board will return the individual to a state correctional institution for a short period of time and then re-institute a revised parole plan, unless:
  - (i) The preponderance of available evidence suggests that the inmate would pose a danger to public safety if re-paroled, or
  - (ii) The person has multiple revocations for technical violations or new non-felony convictions during the current parole.
- (b) In determining the period of re-incarceration, the following general standard will be applied:
  - (i) For a technical violation - three months from the date of readmission;
  - (ii) For a new misdemeanor or gross misdemeanor - four months from the date of readmission;
  - (iii) For a new felony conviction where the parolee is not committed for the new felony - six months from the date of readmission.

2. Persons Violating Work Release

Inmates violating conditions of work release will be returned to the institution and will receive a minimum continuance of three months from the date of readmission. If the inmate was released to work release after completing a MAP contract, he or she will be continued to their target release date plus three months. If the target release date was passed while on work release, the inmate will be continued for three months from the date of readmission.

3. No Credit for Jail Time

For persons covered by section 7-104.5d, institutional continuances will not be reduced by the amount of time, if any, such persons were confined in jails between violation and return.

e. Cases where statutory sentence conflicts with the guidelines:

In any case where a statutory sentence conflicts with the target release dates indicated in the parole release date matrix (such as sentences with mandatory minimums or sentences under the extended term law), the statutory sentence is binding.

f. Persons with maximum security custody classification:

Persons with maximum security custody classification on the target release date will not be considered for parole by the Board until the maximum security custody classification is removed.

g. Inmates with disciplinary reports pending or serving disciplinary segregation sentences:

Inmates with disciplinary reports pending or serving disciplinary segregation sentences will not appear before the Board at scheduled personal appearance hearings. The names of persons with disciplinary charges pending or serving disciplinary segregation sentences will appear on the calendar, but their cases will be continued until completion of the disciplinary process.

h. Persons serving mandatory sentences:

The Board will not assign target release dates to persons serving mandatory minimum sentences for murder in the first degree until they have served the mandatory minimum. Likewise, the Board will not set target release dates for persons serving consecutive multiple minimum sentences. All other individuals, i.e., those serving single counts of a year and a day and three-year minimum sentences will have their target release dates set at the time of their admission hearing.

i. Criminal Negligence:

Where persons committed for Criminal Negligence have no prior criminal history, where the Criminal Negligence did not occur in the course of the commission of another felony, and where the person otherwise has exhibited a stable pattern of community living, the Board will assign a lower target release date than indicated by the Parole Release Date Matrix. This date will be consistent with the nature of the problem contributing to the Criminal Negligence and the resources available to address the problem. Where the Criminal Negligence is one element in a pattern of criminal behavior, the Board will not reduce the target release date indicated by the Parole Release Date Matrix, and may extend it on the basis of specified aggravating circumstances.

7-104.5

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j. Extension of release date for offenses involving injury:

In cases where the committing offense involved shooting or stabbing the victim or where the victim was beaten to an extent requiring medical treatment, the Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix at the appropriate level of risk and severity, and adding ten months to that time.

In cases where the committing offense involved great bodily harm, defined as injury (a) creating high probability of death, (b) protracted hospitalization, or (c) permanent or protracted loss of bodily function or organ, the Board will depart from the guidelines and assign a target release date based on the specific facts of the case.

k. Retroactive application of changes in the guidelines:

(1) Whenever changes in the guidelines are made under section 7-101.7, the Board will apply those changes retroactively to all inmates previously assigned target release dates where:

- (a) the Board did not depart from the time indicated by the guidelines in effect at the time the target release date was originally assigned; and,
- (b) where the cumulative effect of the revised guidelines would reduce the previously assigned target release date.

(2) Procedure for retroactive application:

- (a) A personal appearance hearing is not required for the Board to reduce a previously assigned target release date.
- (b) Generally, reductions of target release date will be made at an eligible inmate's next annual review.
- (c) In the event that a reduced target release date would result in parole before the next annual review, the inmate may request a special review for an early assignment of the reduced target release date, following the procedure outlined in section 7-104.3b, except that a personal appearance hearing is not required to reduce the target release date.

l. Credit for pre-trial confinement:

In establishing the target release date, the Board will reduce the time indicated by the Parole Release Date Matrix by the amount of time - if any - the inmate was confined between arrest and conviction for the current offense. To obtain credit for pre-trial confinement, the inmate must assert his or her claim to such credit within two months of initial MCB review. "Jail credit" procedures, relating to sentence expiration, are not affected by this section.

m. Matrix guideline time exceeds expiration:

In cases where the guideline time indicated by the Parole Release Date Matrix exceeds expiration of the sentence, the Board will establish the target release date by finding the highest number of months at that level of severity below expiration of the sentence.

7-104.5  
cont'd.

n. Impact of escape on target release date:

For inmates returning from escape from custody without a new felony conviction, or with a new conviction for escape and a concurrent sentence, the previously assigned target release date will be extended by 6 to 12 months, according to the procedure set forth in section 7-104.6. Any aggravating factors, over and above the act of escape, will be taken into consideration in establishing the range of the extension. Nothing in this policy will be construed to confer MAP eligibility on an inmate not eligible under regular MAP criteria.

Inmates returning from escape from a state correctional institution with a new escape conviction and a consecutive sentence will receive a new target release date based upon the procedure set forth in section 7-104.5b.

o. New felony conviction while on escape, furloughs, temporary paroles, medical paroles, or while in the institution.

Inmates who receive new felony convictions while on furloughs, temporary paroles, medical paroles, escape, or while in the institution will be assigned a new target release date based on the time indicated by the parole guidelines for the new offense or new offenses plus the unserved balance of the previously assigned target release date for the prior offense.

p. Offenders Sentenced Under the Dangerous Offender Statute (M.S. 609.16)

A new section is added with the following language:

Where an inmate is sentenced as a dangerous offender under M.S. 609.16, the target release date will be established by determining the guideline time for the admission offense and by multiplying the guideline time at that level of severity and the lowest level of risk times the number of prior felony convictions and adding the product to the guideline time for the current offense.

Example: An inmate has four total felonies, including a current conviction for aggravated assault with injury and is sentenced as a dangerous offender. He has four "yes" responses. This guideline time would be determined as follows:

|                  |                     |
|------------------|---------------------|
| Current Offense: | 32 months           |
|                  | +10 (injury)        |
| Prior Felonies   | +51 (17 x 3 priors) |
|                  | 93 months           |

7-104.5b Inmates with Multiple Committing Offenses and Consecutive Sentences.

The existing language is stricken and replaced with the following:

The Board will establish the target release date by determining the time indicated by the Parole Release Date Matrix for the most severe offense (whether consecutive or concurrent) and the appropriate level of risk and then increase that time (a) by adding the time for each additional consecutive sentence indicated by the Parole Release Date Matrix at the appropriate level of severity and the lowest level of risk or (b) if none of the other sentences are consecutive, by adding the time indicated by the most severe offense at the appropriate level of severity and the lowest level of risk.

Examples:

- A. An inmate has 3 new sentences as follows:

|                    |         |
|--------------------|---------|
| Aggravated Robbery | 0-20 CC |
| Simple Robbery     | 0-10 CS |
| Theft              | 0-5 CC, |

and 1 "yes" response

The most severe offense is aggravated robbery with a guideline time of 32 months. To this, 17 months would be added for the consecutive simple robbery. No additional time would be added for the consecutive theft. Thus, the guideline time would be  $32 + 17 = 49$  months.

- B. An inmate has four new sentences as follows:

|                                     |         |
|-------------------------------------|---------|
| Criminal Sexual Conduct, 3rd degree | 0-10 CS |
| Criminal Sexual Conduct, 4th degree | 0-5 CS  |
| Theft                               | 0-5 CC  |
| Forgery                             | 0-5 CC  |

and 2 "yes" responses

The most severe offense is CSC, 3 with a guideline time of 24 months. To this, 12 months would be added for the consecutive CSC, 4, and 12 months for the other concurrent offenses, making a guideline time of 48 months ( $24 + 12 + 12$ ).

7-104.6 Extension of Target Release Dates:

- a. Reasons for extension of target release dates:

Once a target release date is assigned an inmate, it may be extended only in the following circumstances:

- (1) Delete current language under 7-104.6a (1) and replace with the following:  
Following escape from a state correctional institution pursuant to section 7-104.05n.
- (2) After conviction of (or plea of guilty to) a violation of the inmate disciplinary code which could be charged as a felony, gross misdemeanor, or misdemeanor in a criminal court.
- (3) After a psychiatric diagnosis of severe emotional disturbance.

- b. Procedure for extension of target release date:

- (1) The Board shall set a date for a hearing on the question of extending the target release date for disciplinary convictions. The hearing will be held on the date of the next interim annual review, or at the re-entry hearing, whichever is sooner.
- (2) At the re-entry hearing, the Board may extend the target release date to a specified future date if a psychiatric diagnosis indicates severe emotional disturbance, and the Board will recommend to the Department of Corrections that the individual be committed, transferred, or placed in a facility or program providing appropriate treatment.



- (3) The inmate is entitled to a personal appearance before the Board. If the inmate waives his right to appear or refuses to appear, the Board may hold the hearing in his or her absence.
- (4) The caseworker shall schedule a hearing and shall give the inmate and the Board a notice ten working days before the hearing which specifies the nature of the hearing.

.7 Record of Hearings:

The Board will tape record all hearings in which inmates appear before the Board in person and will preserve the tapes for a period of one year.

.8 Recision Hearing:

If an inmate receives a disciplinary misconduct report after a parole has been granted but before the inmate leaves the institution, the Board shall immediately hold a recision hearing to nullify the previous action to grant parole pending disposition of the disciplinary report.

# MINNESOTA CORRECTIONS BOARD - RISK OF FAILURE WORKSHEET

Inmate \_\_\_\_\_ Inst. # \_\_\_\_\_ Date of Birth \_\_\_\_\_

| Admission Offense | Adm. Date | Sentence | Cc/Cs | Exp. Date |
|-------------------|-----------|----------|-------|-----------|
| _____             | _____     | _____    | _____ | _____     |
| _____             | _____     | _____    | _____ | _____     |

State Time Already Served \_\_\_\_\_ Recorded Jail/Wkhs Time \_\_\_\_\_

| ITEM   | YES | NO |
|--|-----|----|
| 1. The inmate has a prior conviction for exactly the same offense as any offense for which the inmate is now under sentence. |     |    |
| 2. The inmate was 19 or younger at the time of the first felony conviction.  |     |    |
| 3. The inmate has a total of three or more felony convictions, including convictions for the current sentence.               |     |    |
| 4. The inmate has one or more prior adult commitments to state correctional institutions.                                    |     |    |
| 5. The inmate has two or more prior probation or parole failures as an adult.  |     |    |
| 6. The inmate's current sentence includes one or more burglary convictions.  |     |    |
| Sex. Level _____ Risk Level _____ Matrix Time _____ Total # _____  | Yes |    |

AGGRAVATING CIRCUMSTANCES

MITIGATING CIRCUMSTANCES

DISTRIBUTION: Inmate Copy

CASEWORKER \_\_\_\_\_  
DATE \_\_\_\_\_

REASONS FOR DEPARTURE

INFORMATION USED FOR DECISION

CERTIFICATION

W/IN ☐

DFP ☐

## TYPE OF HEARING

\_\_\_\_ New Admission  
\_\_\_\_ Annual Review  
\_\_\_\_ Special Review

## MCB MEMBERS

\_\_\_\_ MULCRONE  
\_\_\_\_ GREEN  
\_\_\_\_ SKWIERA  
\_\_\_\_ MELCHERT  
\_\_\_\_ BYRNES  
\_\_\_\_ LINDE  
\_\_\_\_ RYAN

\_\_\_\_ # MOS. ASSIGNED BY MCB  
\_\_\_\_ # MOS. SERVED IN STATE INST.  
\_\_\_\_ # MOS. JAIL CREDIT  
\_\_\_\_ # MOS. LEFT TO PAROLE  
\_\_\_\_ TRD (date comp. from \_\_\_\_\_)

## DISTRIBUTION

1 - Inmate  
1 - Institution  
1 - C.O. File  
1 - Research

MAP ELIGIBLE \_\_\_\_ YES \_\_\_\_ NO

MEMBER \_\_\_\_\_ DATE \_\_\_\_\_

| PAROLE RELEASE DATE MATRIX (effective 7-1-77) |   | Number "Yes" Responses on Worksheet | 0     | 1-2   | 3-4   | 5     | 6     |
|---|---|-------------------------------------|-------|-------|-------|-------|-------|
| Severity Level                                | Offenses  | Predicted Group Failure Rate        | 11%   | 23%   | 35%   | 49%   | 63%   |
|   |   | Risk of Failure Level               | I.    | II.   | III.  | IV.   | V.    |
| I.  | UNLV<br>Possession of a Controlled Substance<br>Forgery, Aggravated Forgery, Uttering a Forged Instrument   |                                     | 4-12  | 7-12  | 9-12  | 11-17 | 18-28 |
| II.   | Aggravated Criminal Damage to Property—no weapon<br>Burglary—no weapon—not in dwelling<br>Negligent Fire<br>Possession of Burglary Tools<br>Receiving Stolen Property<br>Arson—Third Degree<br>Theft—\$100 to \$2500; Theft by Check<br>Terroristic Threats<br>Defeating Security on Personality<br>Damage to Public Property   |                                     | 7-12  | 9-12  | 11-17 | 18-24 | 25-36 |
| III.  | Theft—more than \$2500<br>Burglary—weapon—not in dwelling<br>Burglary—no weapon—dwelling<br>Escape from Custody<br>Aggravated Criminal Damage to Property—weapon<br>Indecent Liberties—no injury*<br>Criminal Sexual Conduct—Fourth Degree*<br>Possession of Controlled Substance with Intent to Sell<br>Dangerous Weapon—machine gun<br>Felon in Possession of Pistol<br>Arson—Second Degree<br>Prostitution—other acts prohibited   |                                     | 9-12  | 11-17 | 18-24 | 25-32 | 33-45 |
| IV.   | Burglary—weapon—dwelling<br>Simple Robbery<br>Aggravated Arson; Arson—First Degree<br>Aggravated Assault<br>Indecent Liberties—injury*<br>Kidnapping—no injury<br>Criminal Sexual Conduct—Third Degree*<br>Attempted Murder—Second Degree; Third Degree<br>Incest*<br>Sexual Intercourse with Child—over age 16*<br>Confining own Child; False Imprisonment<br>Burglary with Tool<br>Theft from Person<br>Sale of a Controlled Substance<br>Prostitution—Soliciting or Inducing Person Under 18 to Practice |                                     | 11-17 | 18-24 | 26-32 | 34-40 | 47-53 |
| V.  | Aggravated Robbery<br>Manslaughter—Second Degree*<br>Criminal Negligence*<br>Attempted Murder—First Degree<br>Conspiracy to Commit Murder—First Degree<br>Sexual Intercourse with Child—age 14 to 16*   |                                     | 18-24 | 26-32 | 39-45 | 51-60 | 67-76 |
| VI.   | Manslaughter—First Degree<br>Criminal Sexual Conduct—First Degree; Second Degree<br>Kidnapping—injury<br>Sodomy; Sodomy with Child<br>Sexual Intercourse with Child—age 10 and under, and age 11 to 13  |                                     | 42    | 50    | 60    | 75    | 92    |
| VII.  | Murder—Third Degree   |                                     | 72    | 86    | 109   | 135   | 170   |
| VIII.   | Murder—Second Degree  |                                     | 86    | 108   | 145   | 194   | 240   |
| IX.   | Murder—First Degree   |                                     | 104   | 141   | 201   | 285   | life  |