

SENTAC



Delaware Sentencing Accountability Commission Benchmark 2010*

***INCLUDES RELEVANT LEGISLATION OF
THE 145th GENERAL ASSEMBLY**

SUMMARY OF PRESUMPTIVE SENTENCES

Crime Classification	Presumptive Sentence	Statutory	Page Ref.
Felonies			
Class A (Other than Murder)	15 yrs @ Level V	15 yrs. to Life	27
Class B	2 to 5 yrs (1 st 2 yrs @ Level V)	2 to 25 yrs	29
Class C (Violent)	Up to 30 m @ Level V	up to 15 yrs	35
Class C (Nonviolent)	Up to 1 yr @ Level V	up to 15 yrs	39
Class D (Violent)	Up to 2 yrs @ Level V	up to 8 yrs	41
Class D (Nonviolent)	Up to 12 m @ Level II or III	up to 8 yrs	44
Class E (Violent)	Up to 15 m @ Level V	up to 5 yrs	46
Class E (Nonviolent)	Up to 12 m @ Level II	up to 5 yrs	50
Class F (Violent)	Up to 9 m @ Level V	up to 3 yrs	53
Class F (Nonviolent)	Up to 12 m for Title 11; Up to 18 m for Title 16 @ Level II	up to 3 yrs	55
Class G (Violent)	Up to 6 m @ Level V Title 16, §§4767,4768: 3-9 m @ Level V	up to 2 yrs	59
Class G (Nonviolent)	Up to 12 m @ Level II	up to 2 yrs	61
Misdemeanors			
Class A (Violent) MA1	Up to 12 m @ Level II	up to 1 yr	66
Class A (Escape) MA2	Up to 3 m @ Level IV	up to 1 yr	67
Class A (Property) MA3	Up to 12 m @ Level I	up to 1 yr	68
Class A (Order/Decency) MA4	Up to 12 m @ Level I	up to 1 yr	70
Class A (Controlled Substance)	16-4764: FOP Minimum 12 m @ Level I (7/12/05) 1 st Offense 12m @Level II	up to 1 yr	73
Class B	Fine, Costs & Restitution	up to 6 m.	70
Unclassified	Fine, Costs & Restitution	up to 30 d	72
Violations	Fine, Costs & Restitution	\$0 to \$345	74
Habitual Criminal	Up to Life	Up to Life	102
Violation of Probation	1 Level Higher	1 Level Higher	104

SUMMARY OF ACCEPTANCE OF RESPONSIBILITY GUIDELINES

Crime Classification	Presumptive Sentence	Acceptance of Responsibility Guideline	Page
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Class C (violent)	Up to 30 mos. @ Level V	Up to 22 mos. @ Level V	35
Class C (non-violent)	Up to 1 yr. @ Level V	Up to 9 mos. @ Level V	39
Class D (violent)	Up to 2 yrs. @ Level V	Up to 18 mos. @ Level V	41
Class D (non-violent)	Up to 12 mos. @ II or III	Up to 9 mos. @ II or III	44
Class E (violent)	Up to 15 mos. @ Level V	Up to 11 mos. @ Level V	46
Class E (non-violent)	Up to 12 mos. @ Level II	Up to 9 mos. @ Level II	50
Class F (violent)	Up to 9 mos. @ Level V	Up to 7 mos. @ Level V	53
Class F (non-violent)	Up to 12 mos. @ L II for T 11 Up to 18 mos. @ L II T 16	Up to 9 mos. @ L II for T 11 Up to 14 mos. @ L II for T 16	55
Class G (violent)	Up to 6 mos. @ Level V	Up to 4 mos. at Level V	59
Class G (non-violent)	Up to 12 mos. @ Level II	Up to 9 mos. @ Level II	61
Misdemeanors			
Class A (violent)	Up to 12 mos. @ Level II	Up to 9 mos. @ Level II	66
Class A (escape)	Up to 3 mos. @ Level IV	Up to 2 mos. @ Level IV	67
Class A (property)	Up to 12 mos. @ Level I	Up to 9 mos. @ Level I	68
Class A (order/decency)	Up to 12 mos. @ Level I	Up to 9 mos. @ Level I	70
Class A (con. sub.)	Up to 12 mos. @ Level II	Up to 9 mos. @ Level II	73

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<i>CRIME</i>	<i>CLASS</i>	<i>STATUTE</i>	<i>PG</i>
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<i>CRIME</i>	<i>CLASS</i>	<i>STATUTE</i>	<i>PG</i>
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Computer Offense: Penalties (>\$500)	Fel G	11-939	62
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Criminal Mischief (>\$1,000)	Misd A (prop)	11-811(b)(2)	68
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Escape After Conviction w/Force/Threat/Deadly Weapon	Fel C Violent	11-1253	35
Escape After Conviction	Fel D Violent	11-1253	41
Escape 2 nd Degree	Fel G	11-1252	61
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Exploit Infirm Adult (\$10,000-\$49,999)	Fel D Violent	31-3913(b)	42
Exploit Infirm Adult (\$5,000-\$9,999)	Fel E Violent	31-3913(b)	46
Exploit Infirm Adult (\$500-\$4,999)	Fel G Violent	31-3913(b)	59
Exploit Infirm Adult (<\$500)	Misd A (prop)	31-3913(b)	69
Exploit Patient's Resources (>\$1,000)	Fel G Violent	16-1136(b)	59
Exploit Patient's Resources (<\$1,000)	Misd A (viol)	16-1136(b)	66
Extortion (Victim>62 y.o.a.)	Fel D Violent	11-846	41
Extortion	Fel E Violent	11-846	46
Explosive Device, Possession	Fel D Violent	11-1338	41
Fail to Answer Summons	Unclass Misd	11-1907(c)	76
Fail to Cease Electronic Communication (\$10,000>)	Fel D	11-938	44
Fail to Cease Electronic Communication (\$5,000-\$9,999)	Fel E	11-938	50
Fail to Cease Electronic Communication (\$1,000-\$4,999)	Fel F	11-938	55
Fail to Cease Electronic Communication (\$500-\$999)	Fel G	11-938	62
Fail to Cease Electronic Communication (<\$500)	Misd A (prop)	11-938	68
Fail to Comply with Sex Offender Mandates	Fel G	11-4121(t)	63
Fail to Correct/Report Patient Abuse	Misd A (o&d)	16-1136(c)	72
Fail to Obtain Child Abuser Info	Misd A (o&d)	11-8562(a)	72
Failure of Sex Offender to Register	Fel G	11-4121(t)	63
False Benefit Reimbursement Statement (\$10,000>)	Fel C	31-1004(2)	39
False Benefit Reimbursement Statement (\$500-\$9,999)	Fel E	31-1004(2)	51
False Benefit Reimbursement Statement (<\$500)	Misd A (prop)	31-1004(2)	68
False Report of Incident or Child Abduction (Prior Conv)	Fel G	11-1245	62
False Report of Incident or Child Abduction	Misd A (o&d)	11-1245	71
False Statement: Benefits (\$10,000>)	Fel C	31-1003	39
False Statement: Benefits (\$500-\$9,999)	Fel E	31-1003	51
False Statement: Benefits (<\$500)	Misd A (prop)	31-1003	68
False Statement: Weapon Purchase	Fel G	11-1448(l)	62
False Written Statement	Misd A (o&d)	11-1233	71
Falsify Business Records	Misd A (o&d)	11-871	70

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Falsify Document re: Prolong Life	Fel C	16-2513(b)	39
Falsify Instrument for Filing	Misd A (o&d)	11-877	70
Falsify Records for Benefits	Fel E	31-1003	51
Falsify Reimbursement Report (\$10,000>)	Fel C	31-1004(2)	39
Falsify Reimbursement Report (\$500-\$9,999)	Fel E	31-1004(2)	51
Falsify Reimbursement Report (<\$500)	Misd A (prop)	31-1004(2)	68
Female Genital Mutilation	Fel E	11-780	50
Fighting/Baiting Animals (Own/Possess)	Fel F	11-1326(a)	59
Fighting/Baiting Animals (Presence)	Fel G	11-1326(b)	62
Firearm, Possession of (Altered Serial Number)	Fel D	11-1459	44
Firearm Purchase for Another (Prior Conv)	Fel C Violent	11-1455	36
Firearm Purchase for Another	Fel F	11-1455	56
Firearm, Removal from LEO	Fel C	11-1458	39
Firearm Sale Violation (False Statement/Information)	Fel G	11-1448A(l)	63
Firearm Sale Violation (Prior Conv)	Fel G	11-1448A(m)	63
Firearm Sale Violation (Improper Criminal History Use)	Misd A (o&d)	11-1448A(k)	71
Firearm Sale Violation (Dealer: Improper Sale/Delivery)	Misd A (o&d)	11-1448A(m)	72
Firearm Transaction on Behalf of Another (Prior Conv)	Fel C Violent	11-1455	36
Firearm Transaction on Behalf of Another	Fel F	11-1455	56
Flee or Attempt to Elude	Title 21	21-4103(b)	79
Food Stamps, Transfer/Alter/Possess (F/A, Ammo)	Fel B	31-610(a)(3)	30
Food Stamps, Transfer/Alter/Possess (\$500>)	Fel E	31-610(a)(1)	51
Food Stamps, Transfer/Alter/Possess (<\$500)	Misd A (o&d)	31-610(a)(2)	72
Forgery 1 st Degree (Money/Stamps/Stocks/Bonds)	Fel F	11-861(b)(1)	55
Forgery 2 nd Degree (Deed/Will/Public Record/Rx)	Fel G	11-861(b)(2)	61
Forgery 3 rd Degree	Misd A (prop)	11-861(b)(3)	68
Forgery Devices, Possession of	Fel G	11-862	61
Foreign Lotteries, Engaging in	Misd A (o&d)	11-1402	71
Fraud in Insolvency	Misd A (prop)	11-892	68
Fraudulent Conveyance, Public Land	Fel G	11-911	61
Fraudulent Receipt, Public Land	Fel G	11-912	61
Furnishing Contraband	Unclass Misd	11-6562A	76
Gambling, Advancing	Misd A (o&d)	11-1401	71
Gambling Device, Interest in Keeping	Misd A (o&d)	11-1406	71
Gambling Device, Possession	Misd A (o&d)	11-1405	71
Gambling Information, Dissemination	Misd A (o&d)	11-1411	71
Gambling, Provide Premises (Prior Conv <5 yr)	Misd A (o&d)	11-1404	71
Gambling, Provide Premises	Unclass Misd	11-1404	76
Gang Participation (see underlying offense classification)			
Give Firearm to Person Prohibited	Fel F	11-1454	56
Graffiti and Graffiti Implements, Possession of	Fel G	11-812	61
Graffiti and Graffiti Implements, Possession of	Misd. A	11-812	68
Graffiti and Graffiti Implements, Possession of	Misd. B	11-812	74
Grand Jury Disclosure	Misd B	11-1273	74
Gratuities, Giving Unlawful	Misd A (o&d)	11-1205	71
Gratuities, Receiving Unlawful	Fel G	11-1206	62
Gratuities, Receiving Unlawful	Misd A (o&d)	11-1206	71
Habitual Criminal Status		11-4214	
Harassment	Misd A	11-1311	71
Harassment, Aggravated	Fel G	11-1312	62
Harassment of LE Animal	Unclass Misd	11-1250(a)	76
Hate Crime- If Underlying Offense is:		11-1304	
Class A Felony	Fel A Violent	11-1304(b)(4)	27
Class B Felony	Fel B Violent	11-1304(b)(4)	30
Class C Felony	Fel B Violent	11-1304(b)(3)	30
Class D Felony	Fel C Violent	11-1304(b)(3)	35
Class E Felony	Fel D Violent	11-1304(b)(3)	41

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Class F Felony	Fel E Violent	11-1304(b)(3)	46
Class G Felony	Fel F Violent	11-1304(b)(3)	53
Class A, B or C Misdemeanor	Fel G Violent	11-1304(b)(2)	59
Unclassified Misdemeanor/Violation	Misd A (viol)	11-1304(b)(1)	66
Health Care Fraud (\$100,000>/Provider)	Fel C	11-913A	39
Health Care Fraud (>\$50,000<\$100,000)	Fel E	11-913A	50
Health Care Fraud (<\$50,000)	Fel G	11-913A	62
Heroin			
Mfr/Del/PWI Narcotics Sch. I,II	Fel C Violent	16-4751(a)	35
Mfr/Del/PWI Narcotics (Death)	Fel B Violent	16-4751(c)	30
Trafficking in Heroin	Fel B Violent	16-4753A(a)(3)	30
Distribution Narcotic to U/21	Fel C Violent	16-4761(a)(1)	36
Purchase Narcotic from U/18	Fel C	16-4761A(a)(1)	39
Purchase Narcotic from U/16	Fel C	16-4761A(a)(3)	39
Dist/Del/Poss Narcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(1)	59
Dist/Del/Poss Controlled Substance w/in 300 ft part	Fel G Violent	16-4768	59
Hinder Prosecution (Fel)	Fel G	11-1244(b)	62
Hinder Prosecution (Misd)	Misd A (o&d)	11-1244	71
Hire Minor to Violate Drug Provisions	Fel G Violent	16-4761(c)	59
Hoax Device	Fel F	11-622	55
Home Improvement Fraud (> \$500/vt>62/Prior Conv)	Fel G	11-916	62
Home Improvement Fraud (< \$500)	Misd A (prop)	11-916	68
Hypodermic Needles/Syringes, Unlawful Delivery	Fel G	16-4757(d)	63
Hypodermic Needles/Syringe, Unlawful Possession	Unclass Misd	16-4757(c)	76
Identity Theft	Fel D	11-854	44
Import Undetectable Knives	Fel G	11-1446A	62
Imprisonment, Unlawful 1 st Degree	Fel G Violent	11-782	59
Imprisonment, Unlawful 2 nd Degree	Misd A (o&d)	11-781	70
Improper Influence	Misd A (o&d)	11-1207	71
Improper Labeling (PriorConv 100>)	Fel F	11-922(c)	55
Improper Labeling (1st offense 100>)	Fel G	11-922(b)	62
Improper Labeling (<100)	Unclass Misd	11-922(b)	76
Improper Request/Dissemination Criminal History	Misd A (o&d)	11-1448A(k)	71
Incest	Misd A (viol)	11-766	66
Indecent Exposure 1 st Degree	Misd A (o&d)	11-765	70
Indecent Exposure 2 nd Degree	Unclass Misd	11-764	76
Insurance Fraud	Fel G	11-913	62
Interest in Keep Gambling Device	Misd A (o&d)	11-1406	71
Interfere w/Child Witness (Fail to Produce)	Fel E	11-1263A(a)(3)(B)	52
Interfere w/Child Witness (Threaten, fail to produce)	Fel E	11-1263A(a) (4)(B)	51
Interfere w/Child Witness(Complainant:Remove fr Jur)	Fel F	11-1263A	56
Interfere w/Child Witness (Remove from Jur)	Fel G	11-1263A	61
Interfere w/Custody (Removal from State)	Fel G	11-785	61
Interfere w/Custody	Misd A (o&d)	11-785	70
Interfere w/Emergency Communication	Misd B	11-1313	74
Interfere w/ Levied Property	Misd A (o&d)	11-893	70
Interruption Computer Services (\$10,000>)	Fel D	11-934	44
Interruption Computer Services (\$5,000-\$9,999)	Fel E	11-934	50
Interruption Computer Services (\$1,000-\$4,999)	Fel F	11-934	55
Interruption Computer Services (\$500-\$999)	Fel G	11-934	62
Interruption Computer Services (<\$500)	Misd A (prop)	11-934	68
Intimidation, Aggravated (Witness/Victim)	Fel D Violent	11-3533	41
Intimidation (Witness/Victim)	Fel E	11-3532	51
Issue Abortion Articles	Misd B	11-653	74
Issue Bad Check (\$1,000>)	Fel G	11-900	61
Issue Bad Check (<\$1,000)	Misd A (prop)	11-900	68
Issue False Certificate	Fel G	11-878	61

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Juror Misconduct	Misd A (o&d)	11-1267	71
Keep Drugs in Original Container	Misd A (cs)	16-4758	73
Kidnapping 1 st Degree	Fel B Violent	11-783A	29
Kidnapping 2 nd Degree	Fel C Violent	11-783	35
Kickback Schemes	Fel E	31-1005	51
Larceny of Livestock	Fel G	11-859	61
Leaving Accident Scene	Title 21	21-4201	79
Leaving Accident Scene (Injury/Death)	Title 21	21-4202	79
Lewdness	Misd B	11-1341	74
Loitering	Violation	11-1321	78
Loitering on State-Supported School Property	Violation	11-1320	78
LSD (Lysergic Acid Diethylamide)			
Mfr/Del/PWI Nonnarcotic Controlled Substance	Fel E Violent	16-4752(a)	46
Trafficking in LSD	Fel B Violent	16-4753A(a)(7)	30
Distribution Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4761(a)(2)	46
Purchase Nonnarcotic from U/18	Fel C	16-4761A(a)(2)	39
Purchase Nonnarcotic from U/16	Fel C	16-4761A(a)(4)	39
Dist/Del/Poss Nonnarcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Nonnarcotic w/in 300 ft park	Fel G Violent	16-4768	59
Maintain Structure/Conveyance for Illegal Drug Use	Fel F	16-4755(a)(5)	56
Maintain Fire Hazard	Unclass Misd	16-6611(b)	76
Maintain an Obstruction (Prior Conv < 2 yrs)	Misd A (o&d)	11-1428	71
Maintain an Obstruction	Violation	11-1428	78
Maintain Structure/Conveyance for Illegal Use/Delivery	Fel F	16-4755(a)(5)	56
Make False Written Statement	Misd A (o&d)	11-1233	71
Malicious Interference w/Emergency Communication	Misd B	11-1313	74
Manslaughter	Fel B Violent	11-632	29
Manufacture/Del/PWI Drug Paraphernalia	Fel G	16-4771(b)	63
Manufacture/Del/PWI Narcotics (Death)	Fel B Violent	16-4751(c)	30
Manufacture/Del/PWI Narcotics Sch. I, II	Fel C Violent	16-4751(a)	36
Manufacture/Del/PWI Narcotics	Fel E Violent	16-4751(b)	46
Manufacture/Del/PWI Nonnarcotics	Fel E Violent	16-4752(a)	46
Manufacture/Dist Unauthorized Controlled Substance	Fel F	16-4755(a)(2)	56
Manufacture/Use/Poss Explosive/Incendiary Device	Fel D Violent	11-1338	41
Manufacture Undetectable Knives	Fel G	11-1446A	63
Marijuana			
Mfr/Del/PWI Nonnarcotic Controlled Substance	Fel E Violent	16-4751(a)	46
Trafficking in Marijuana	Fel B Violent	16-4753A(a)(1)	30
Distribution Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4761(a)(2)	46
Purchase Nonnarcotics from U/18	Fel E	16-4761A(a)(2)	51
Purchase Nonnarcotics from U/16	Fel E	16-4761A(a)(4)	51
Dist/Del/Poss Nonnarcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Nonnarcotic w/in 300 ft park	Fel G Violent	16-4768	59
MDMA (Methylenedioxymethamphetamine)			
Mfr/Del/PWI Nonnarcotic Controlled Substance	Fel E Violent	16-4752(a)	46
Trafficking in MDMA	Fel B Violent	16-4753A(a)(9)	30
Distribution Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4761(a)(2)	46
Purchase Nonnarcotics from U/18	Fel E	16-4761A(a)(2)	51
Purchase Nonnarcotics from U/16	Fel E	16-4761A(a)(4)	51
Dist/Del/Poss Nonnarcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Nonnarcotic w/in 300 ft park	Fel G Violent	16-4768	59
Menacing	Unclass Misd	11-602	76
Methamphetamines			
Mfr/Del/PWI Nonnarcotic Controlled Substance	Fel E Violent	16-4752(a)	46
Trafficking in Methamphetamine	Fel B Violent	16-4753A(a)(4)	30
Distribution Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4761(a)(2)	46
Purchase Nonnarcotics from U/18	Fel E	16-4761A(a)(2)	51

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Purchase Nonnarcotics from U/16	Fel E	16-4761A(a)(4)	51
Dist/Del/Poss Nonnarcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Nonnarcotic w/in 300 ft park	Fel G Violent	16-4768	59
Misapply Property (\$1,000>)	Fel G	11-848	61
Misapply Property (<\$1,000)	Misd A (prop)	11-848	68
Misconduct by Juror	Misd A (o&d)	11-1267	71
Misrepresentation to Qualify as Provider	Fel E	31-1004(3)	51
Misrepresentation as to Operation of Facility	Fel E	31-1004(4)	51
Misuse Computer System Info (\$10,000>)	Fel D	11-935	44
Misuse Computer System Info (\$5,000-\$9,999)	Fel E	11-935	50
Misuse Computer System Info (\$1,000-\$4,999/risk serious inj)	Fel F	11-935	55
Misuse Computer System Info (\$500-\$999)	Fel G	11-935	62
Misuse Computer System Info (<\$500)	Misd A (prop)	11-935	68
Misuse Prisoner Mail (Prior Conv)	Fel G	11-1260	62
Misuse Prisoner Mail	Misd A (o&d)	11-1260	71
Money Laundering	Fel D	11-951	44
Murder 1 st Degree	Fel A Violent	11-636	27
Murder 2 nd Degree	Fel A Violent	11-635	27
Murder (Child) by Abuse/Neglect 1 st Degree	Fel A Violent	11-634	27
Murder (Child) by Abuse/Neglect 2 nd Degree	Fel B Violent	11-633	29
New Home Construction Fraud (\$100,000>)	Fel C	11-917(d)(3)	39
New Home Construction Fraud (\$50,000-\$100,000)	Fel F	11-917(d)(2)	55
New Home Construction Fraud (\$1000-\$50,000)	Fel G	11-917(d)(1)	62
New Home Construction Fraud (<\$1000)	Misd A (prop)	11-917(d)	68
Obscenity, Provide to Minor	Fel E	11-1361	51
Obscenity	Fel G	11-1361	64
Obscene Literature Harmful to Minors	Misd A (o&d)	11-1365	71
Obstruct Control of Rabies	Misd B	11-1248	74
Obstruct Firefighting	Misd A (o&d)	11-1243	71
Obstruct Public Passageway	Violation	11-1323	78
Obstruct Ingress/Egress Public Building	Unclass Misd	11-1324	76
Obstruct Emergency Phone Call	Misd B	11-1313	74
Obstruct Rabies Control	Misd B	11-1248	74
Obstruct Rabies Control During Emergency	Fel E	11-1248	50
Obtain Controlled Substance By Fraud/Theft	Fel F	16-4756	56
Offensive Touch (vt=emergency/health care employee)	Misd A (o&d)	11-601(a)(1)	70
Offensive Touch (Bodily Emissions)	Misd A (o&d)	11-601(a)(2)	70
Offensive Touch	Unclass Misd	11-601	76
Offer False Instrument for Filing	Misd A (o&d)	11-877	70
Official Misconduct	Misd A (o&d)	11-1211	71
Operation of a Vehicle Causing Death	Title 21	21-4176A	79
Operation of a Vessel or Boat While Under the Influence	Title 23	23-2302	79
Organized Crime/Racketeering	Fel B Violent	11-1503	30
Out-of-State Liquor Agent Registration Violation	Violation	11-1316	78
Patronizing Prostitute	Unclass Misd	11-1343	76
PCP (Phencyclidine)			
Mfr/Del/PWI Nonnarcotic Controlled Substance	Fel E Violent	16-4752(a)	46
Trafficking in PCP	Fel B Violent	16-4753A(a)(6)	30
Distribution Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4761(a)(2)	46
Purchase Nonnarcotics from U/18	Fel E	16-4761A(a)(2)	51
Purchase Nonnarcotics from U/16	Fel E	16-4761A(a)(4)	51
Dist/Del/Poss Nonnarcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Nonnarcotic w/in 300 ft park	Fel G Violent	16-4768	59
Perjury 1 st Degree	Fel D	11-1223	44
Perjury 2 nd Degree	Fel F	11-1222	56
Perjury 3 rd Degree	Misd A (o&d)	11-1221	71
Permit Access by Minor to Firearm	Misd A (o&d)	11-1456	72

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Permitting Prostitution	Misd B	11-1355	74
Possession Burglary Tools	Fel F	11-828	55
Possession Child Pornography	Fel F	11-1111	56
Possession Deadly Weapon During Felony	Fel B Violent	11-1447	30
Possession Destructive Weapon	Fel E Violent	11-1444	46
Possession/Dist/Del. Drugs w/in 300 ft. Park/Worship	Fel G Violent	16-4768	59
Possession/Dist/Del. Drugs w/in 1,000 ft. School	Fel G Violent	16-4767	59
Possession Drug Paraphernalia	Misd A (cs)	16-4771(a)	73
Possession Firearm During Felony	Fel B Violent	11-1447A	30
Possession Forgery Devices	Fel G	11-862	61
Possession Gambling Devices	Misd A (o&d)	11-1405	71
Possession of Graffiti Implements/Tools	Unclass Misd	11-812	76
Possession Hypodermic Needle/Syringe	Unclass Misd	16-4757(c)	76
Poss/Mfr/Use Bomb/Explosive/Incendiary Device	Fel D Violent	11-1338	41
Poss/Purch DW(Not Firearm/DestDevice/Ammo) Person Prohibit	Fel F	11-1448	56
Poss/Purch Firearm/Ammo By Person Prohibited	Fel D	11-1448	44
Poss/Purch Firearm/DestDevice Person Prohibited (Prior Viol Fel)	Fel D Violent	11-1448(e)	41
Poss/Purch Firearm with Altered Serial Number	Fel D Violent	11-1459	41
Possess Shoplift Tools	Fel F	11-860	55
Possess Telecommunication Devices (50+/2 Priors)	Fel D	11-850(b)(3)	44
Possess Telecommunication Devices (10-50/Prior Conv)	Fel F	11-850(b)(2)	55
Possess Telecommunication Devices	Unclass Misd	11-850(b)(1)	76
Possess/Transfer/Alter Food Stamps (FA/Ammo/CS)	Fel B Violent	31-610(a)(3)	30
Possess/Transfer/Alter Food Stamps (\$500>)	Fel E	31-610(a)(1)	51
Possess/Transfer/Alter Food Stamps (<\$500)	Misd A (o&d)	31-610(a)(2)	72
Possess Undetectable Knife	Fel G	11-1446A	63
Possess/Use Narcotics w/out Prescription	Misd A (cs)	16-4753	73
Possess/Use Noncontrolled Substance/Rx	Misd B	16-4754A(b)	74
Possess/Use Nonnarcotic CS w/out Prescription	Misd B	16-4754	74
Possess Vital Record Unlawfully	Fel G	16-3111(a)	63
Possess Vital Record Unlawfully	Unclass Misd	16-3111(b)	76
Possess Weapon Safe Zone-If Underlying Offense is:			
Class E Felony	Fel D	11-1457(j)(3)	44
Class F Felony	Fel E	11-1457(j)(3)	51
Class G Felony	Fel F	11-1457(j)(3)	56
Class B Misdemeanor	Misd A (o&d)	11-1457(j)(1)	72
Unclassified Misdemeanor	Misd B	11-1457(j)(2)	74
Pseudoephedrine/Ephedrine, Sale of	Misd A (cs)	16-4740	73
PWI/Mfr/Del Drug Paraphernalia	Fel G	16-4771(b)	63
PWI/Mfr/Del Narcotics CS (Death)	Fel B Violent	16-4751(c)	30
PWI/Mfr/Del Narcotics Sch. I, II	Fel C Violent	16-4751(a)	35
PWI/Mfr/Del Narcotics	Fel E Violent	16-4751(b)	46
PWI/Mfr/Del Nonnarcotics	Fel E Violent	16-4752(a)	46
Printing Credit Card Receipt, Unlawful	Unclass Misd	11-915A	76
Probation, Violation of (Sentencing Policy)			
Profiteering	Misd A (o&d)	11-1212	71
Promote Prison Contraband (Deadly Weapon, cellphone etc)	Fel F Violent	11-1256	53
Promoting Prison Contraband	Misd A (o&d)	11-1256	71
Promoting Prostitution 1 st Degree	Fel C Violent	11-1353	36
Promoting Prostitution 2 nd Degree	Fel E	11-1352	51
Promoting Prostitution 3 rd Degree	Fel F	11-1351	56
Promoting Suicide	Fel F Violent	11-645	53
Prostitution	Misd B	11-1342	74
Provide False Child Abuser Info	Fel G	11-8562(b)	63
Provide Obscenity to Minor	Fel E	11-1361	51
Provide Premises for Gambling (Prior Conv < 5 yrs)	Misd A (o&d)	11-1404	71
Provide Premises for Gambling	Unclass Misd	11-1404	76

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Public Intoxication (2 Priors <1 yr)	Unclass Misd	11-1315	76
Public Intoxication	Violation	11-1315	78
Purchase Controlled Substance/ Narcotic from U/18	Fel C	16-4761A(a)(1)	39
Purchase Controlled Substance/ Narcotic from U/16	Fel C	16-4761A(a)(3)	39
Purchase Controlled Substance/Nonnarcotic from U/18	Fel E	16-4761A(a)(2)	51
Purchase Controlled Substance/Nonnarcotic from U/16	Fel E	16-4761A(a)(4)	51
Racketeering	Fel B Violent	11-1503/1504	30
Rape 1 st Degree	Fel A Violent	11-773	27
Rape 2 nd Degree	Fel B Violent	11-772	29
Rape 3 rd Degree	Fel B Violent	11-771	29
Rape 4 th Degree	Fel C Violent	11-770	35
Receiving Bribe (Public Servant)	Fel E	11-1203	50
Receiving Bribe (Witness)	Fel E	11-1262	50
Receiving Bribe (Juror)	Fel E	11-1265	51
Receiving Bribe	Misd A (o&d)	11-882	70
Receiving Stolen Firearm	Fel F	11-1450	56
Receiving Stolen Property (>\$1000/2 Priors)	Fel G	11-851	61
Receiving Stolen Property (<\$1000)	Misd A (prop)	11-851	68
Receiving Unlawful Gratuity	Misd A (o&d)	11-1206	71
Receiving Unlawful Gratuity (>\$1,000)	Fel G	11-1206	61
Reckless Burning (\$1,500+)	Fel G	11-804	61
Reckless Burning (< \$1,500)	Misd A (prop)	11-804	68
Reckless Driving	Title 21	21-4175	79
Reckless Endangering 1 st Degree	Fel E Violent	11-604	46
Reckless Endangering 2 nd Degree	Misd A (viol)	11-603	66
Recording Device, Unlawful Operation (Motion Picture)	Misd A (prop)	11-858(a)(2)	68
Recording Device, Unlawful Operation (Still Photograph)	Misd B	11-858(a)(1)	74
Refuse Aid to Police Officer	Misd B	11-1241	74
Refuse to Allow Inspection	Fel F	16-4755(a)(4)	56
Refuse/Fail Keep Proper Record: Controlled Substance	Misd A (cs)	16-4755(a)(3)	73
Refuse Photo/Fingerprints	Misd A (o&d)	11-8522	72
Refuse/Neglect/Hinder Report	Misd A (o&d)	11-8523(a)	72
Registration, Out-of-State Liquor Agents	Violation	11-1316	78
Registration, Sex Offenders	Fel G	11-4120(k)	62
Religious Symbol/Cross Burning	Misd A (prop)	11-805	68
Removing Firearm from LEO	Fel C	11-1458	39
Resist Arrest	Misd A (o&d)	11-1257(b)	71
Resist Arrest with Violence	Fel G	11-1257(a)	61
Riot	Fel F Violent	11-1302	53
Robbery 1 st Degree	Fel B Violent	11-832	30
Robbery 2 nd Degree	Fel E Violent	11-831	46
Sale of Traffic Control Signal Preemption Device	Title 21	21-4112A(c)	79
Sale of Transferred Recorded Sound	Misd A (o&d)	11-921	70
Salvia Divinorum			
Mfr/Del/PWI Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4752(a)	46
Distribution Nonnarcotic Controlled Substance	Fel E	16-4761(a)(2)	51
Purchase Nonnarcotics from U/18	Fel E	16-4761A(a)(2)	51
Purchase Nonnarcotics from U/16	Fel E	16-4761A(a)(4)	51
Dist/Del/Poss Nonnarcotic w/in 1,000ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Controlled Substance w/in 300 ft park	Fel G Violent	16-4768	59
Secure Execution of Document By Deception	Misd A (o&d)	11-909	70
Self Abortion	Misd A (o&d)	11-652	70
Sell or Offer to Sell Undetectable Knives	Fel G	11-1446A	63
Sex Offender Fail to Register	Fel G	11-4120(k)	62
Sex Offender Fail to Comply w/Registration Mandates	Fel G	11-4121(t)	63
Sex Offender Loitering/School	Fel F	11-1112(a)(2)	56
Sex Offender Residing w/in 500 ft. School	Fel G	11-1112(a)(1)	61

<i>CRIME</i>	<i>CLASS</i>	<i>STATUTE</i>	<i>PG</i>
Sex Offender Unlawful Sexual Conduct Against a Child	Fel A violent	11-779A(e)(3)	27
Sex Offender Unlawful Sexual Conduct Against a Child	Fel B violent	11-779A(e)(2),(e)(3)	29
Sex Offender Unlawful Sexual Conduct Against a Child	Fel C violent	11-779A(e)(2)	35
Sex Offender Unlawful Sexual Conduct Against a Child	Fel D violent	11-779A(e)(2)	41
Sex Offender Unlawful Sexual Conduct Against a Child	Fel E violent	11-779A(e)(2)	46
Sex Offender Unlawful Sexual Conduct Against a Child	Fel F violent	11-779A(e)(2)	53
Sex Offender Unlawful Sexual Conduct Against a Child	Fel G violent	11-779A(e)(2)	59
Sex Offender Unlawful Sexual Conduct Against a Child	Misd. A (viol)	11-779A(e)(1)	66
Sexual Abuse of Child, Continuous	Fel B Violent	11-778	29
Sexual Contact, Unlawful 1 st Degree	Fel F Violent	11-769	53
Sexual Contact, Unlawful 2 nd Degree	Fel G Violent	11-768	59
Sexual Contact, Unlawful 3 rd Degree	Misd A (viol)	11-767	66
Sexual Exploitation of Child	Fel B Violent	11-1108	30
Sexual Extortion	Fel E Violent	11-776	46
Sexual Harassment	Unclass Misd	11-763	76
Sexual Relations, Detention Facility	Fel G	11-1259	61
Sexual Solicitation of a Child	Fel C Violent	11-1112A	35
Shoplifting (\$1000>)	Fel G	11-840	61
Shoplifting (<\$1000)	Misd A (prop)	11-840	68
Smoking on Bus/Trolley	Violation	11-1330	78
Stalking w/ Deadly Weapon (Possess weapon or cause serious injury)	Fel C Violent	11-1312	35
Stalking (Def>21Vt<14,Def viol n.c. ord., vt>62, thrt of death or ser. phys. inj. to vt. or other person, or phys. inj. to vt.)	Fel F Violent	11-1312	53
Stalking	Fel G Violent	11-1312	62
Steroids			
Mfr/Del/PWI Nonnarcotic Controlled Substance	Fel E Violent	16-4752(a)	46
Distribution Nonnarcotic Controlled Substance U/21	Fel E Violent	16-4761(a)(2)	46
Purchase Nonnarcotics from U/18	Fel E	16-4761A(a)(2)	51
Purchase Nonnarcotics from U/16	Fel E	16-4761A(a)(4)	51
Dist/Del/Poss Nonnarcotic w/in 1,000 ft school	Fel G Violent	16-4767(a)(2)	59
Dist/Del/Poss Nonnarcotic w/in 300 ft park	Fel G Violent	16-4768	59
Substances Releasing Fumes/Vapors	Unclass Misd	11-627	76
Tampering with Juror	Misd A (o&d)	11-1266	71
Tampering w/ Physical Evidence	Fel G	11-1269	61
Tampering w/ Public Records 1 st Degree	Fel E	11-876	50
Tampering w/ Public Records 2 nd Degree	Misd A (o&d)	11-873	70
Tampering w/ Witness	Fel E	11-1263	50
Telecommunication Device, Unlawful (>50/2 Priors)	Fel D	11-850(b)(3)	44
Telecommunication Device, Unlawful (10-50/Prior)	Fel F	11-850(b)(2)	55
Telecommunication Device, Unlawful	Unclass Misd	11-850(b)(1)	76
Terroristic Threat (Evacuatr/SeriousInconv/Reckless)	Fel G	11-621(a)(2)	61
Terroristic Threat (Exposure: Death/Serious Injury)	Fel F	11-621(a)(3)	55
Terroristic Threat (vt>62)	Fel G	11-621(a)(1)	61
Terroristic Threat (School)	Fel F	11-621(a)(2)	55
Terrorist Threat (Public Officials/Servants)	Fel G	11-1240	62
Terroristic Threat	Misd A (viol)	11-621(a)(1)	66
Theft of Firearm	Fel F	11-1451	56
Theft (\$100,000>)	Fel C	11-841	39
Theft (\$50,000-\$99,999)	Fel E	11-841	50
Theft (<\$1,000 & vt >62)	Fel G	11-841	61
Theft (vt> 62/infirm)	Fel F	11-841	55
Theft (\$1,000>)	Fel G	11-841	61
Theft (<\$1000)	Misd A (prop)	11-841	68
Theft of Computer Services (\$10,000>)	Fel D	11-933	44
Theft of Computer Services (\$5,000-\$9,999)	Fel E	11-933	50
Theft of Computer Services (\$1,000-\$4,999)	Fel F	11-933	55
Theft of Computer Services (\$500-\$999)	Fel G	11-933	62

<i>CRIME</i>	<i>CLASS</i>	<i>STATUTE</i>	<i>PG</i>
Theft of Computer Services (<\$500)	Misd A (prop)	11-933	68
Theft of Motor Vehicle	Fel G	11-841A	61
Theft: Organized Retail Crime	Misd A (prop)	11-841B	68
Theft: Organized Retail Crime	Fel E	11-841B(c)	50
Theft: Theft of a blank prescription form or pad	Fel F	11-841C(b)	55
Theft: Possession of a blank prescription form or pad	Fel G	11-841C(a)	61
Theft of Rental Property (\$1,000>)	Fel G	11-849	61
Theft of Rental Property (<\$1,000)	Misd A (prop)	11-849	68
Threat/Coerce/Intimidate to W/D Medical Treatment	Unclass Misd	16-2513(a)	76
Threat to Public Officials	Fel G	11-1240	62
Ticket Scalping	Misd B	11-918	74
Ticket Scalping (Prior Conv)	Misd A (prop)	11-918	68
Tobacco Sales Violation: Sell/Dist to U/18	Violation	11-1116	78
Tobacco Sales Violation: Fail to Post Notice to U/18	Violation	11-1117	78
Tobacco Sales Violation: Dist. Samples/Coupons to U/18	Violation	11-1118	78
Tobacco Sales Violation: Dist. By Vending Machine	Violation	11-1119	78
Tobacco Sales Violation: Sell from Unlawful Package	Violation	11-1120	78
Tobacco Sale Violations: Penalties	Violation	11-1121	78
Tongue Splitting (Prior Conv)	Fel G	11-1114A(c)	61
Tongue Splitting 1 st Degree	Misd A (o&d)	11-1114A(a)	71
Tongue Splitting 2 nd Degree	Misd B	11-1114A(b)	74
Trade in Dog/Cat By-Products (Flesh)	Misd A (o&d)	11-1325A(b)	71
Trade in Dog/Cat By-Products (Fur/Hair)	Misd B	11-1325A(a)	74
Trade in Human Remains/Funerary Objects	Misd B	11-1333	74
Trademark Counterfeiting (No priors/<100 items/<\$2,000)	Misd A (prop)	11-926(d)(1)	68
Trademark Counterfeiting (PriorConv/100-999/\$2,000-\$9,999)	Fel G	11-926(d)(2)	62
Trademark Counterfeiting (2+Conv/Mfr/1,000>/\$10,000>)	Fel E	11-926(d)(3)	50
Traffic Control Signal Preemption Device, Sale of	Title 21	21-4112A(c)	79
Trafficking in Controlled Substances	Fel B Violent	16-4753A	30
Trafficking in Food Stamps (FA/Ammo/CS)	Fel B	31-610(a)(3)	30
Traffick/Pers & Invol Servit (for use of body pts for sale/benef) Sex Serv Minor <14 overt force	Fel A	11-787	27
Traffick/Pers & Invol Servit (caus or thrt phys harm or restraint) Sex Serv/Minor <14 no overt force, Traff for forced labor	Fel B	11-787	29
Traffick/Pers & Invol Servit (abuse or thrt/abuse law/leg. proc.) Sex Serv/Minor 14-18 yrs no overt force	Fel C	11-787	35
Traffick/Pers & Invol Servit (dst/conc/rem/confis/pp/imm/ doc/gov doc)	Fel E	11-787	46
Traffick/Pers & Invol Servit (blackm/cause/threat/fin/harm/ cont/ pers)	Fel F	11-787	53
Transfer/Alter/Possess Food Stamps (FA/Ammo/CS)	Fel B	31-610(a)(3)	30
Transfer/Alter/Possess Food Stamps (\$500>)	Fel E	31-610(a)(1)	51
Transfer/Alter/Possess Food Stamps (<\$500)	Misd A (o&d)	31-610(a)(2)	72
Transfer BB Gun to U/16	Unclass Misd	11-1445(2)	76
Transfer Firearm Enabling Crime	Fel E Violent	11-1445(5)	46
Transfer Firearm to U/18	Fel G Violent	11-1445(4)	59
Transfer Recorded Sounds	Fel G	11-920	62
Trespass, Intent to Peep	Misd B	11-820	74
Unauthorized Computer Access (\$10,000>)	Fel D	11-932	44
Unauthorized Computer Access (\$5,000-\$9,999)	Fel E	11-932	50
Unauthorized Computer Access (\$1,000-\$4,999)	Fel F	11-932	55
Unauthorized Computer Access (\$500-\$999)	Fel G	11-932	62
Unauthorized Computer Access (<\$500)	Misd A (prop)	11-932	68
Unauthorized Electronic Mail (\$10,000>)	Fel D	11-937	44
Unauthorized Electronic Mail (\$5,000-\$9,999)	Fel E	11-937	50
Unauthorized Electronic Mail (\$1,000-\$4,999)	Fel F	11-937	56
Unauthorized Electronic Mail (\$500-\$999)	Fel G	11-937	62
Unauthorized Electronic Mail (<\$500)	Misd A (prop)	11-937	68
Unauthorized Use of Vehicle	Misd A (prop)	11-853	68

<i>CRIME</i>	<i>CLASS</i>	<i>STATUTE</i>	<i>PG</i>
Undetectable Knives (Mfr/Import/Sell/Possess)	Fel G	11-1446A	62
Unlawful Administration Controlled Substance.	Fel G	11-626	61
Unlawful Administration Drugs	Misd A (o&d)	11-625	70
Unlawful Alteration of Vital Records	Fel G	16-3111(a)(2)	63
Unlawful Concealing Will	Fel G	11-908	63
Unlawful Conversion Benefits (\$10,000>)	Fel C	31-1006	39
Unlawful Conversion Benefits (\$500-\$9,999)	Fel E	31-1006	51
Unlawful Conversion Benefits (<\$500)	Misd A (prop)	31-1006	69
Unlawful Dealing Child Pornography (PriorConv\$1109)	Fel B	11-1110	30
Unlawful Dealing Dangerous Weapon (know enable fel or Mis A)	Fel E	11-1445(5)	46
Unlawful Dealing Dangerous Weapon (to juvenile)	Fel G	11-1445(4)	59
Unlawful Dealing Dangerous Weapon	Unclass Misd	11-1445	76
Unlawful Dealing Switchblade	Unclass Misd	11-1446	76
Unlawful Dealing Knuckles/Combination Knife	Misd B	11-1452	74
Unlawful Dealing Martial Arts Throwing Star	Misd B	11-1453	74
Unlawful Dealing With Child	Misd B	11-1106	74
Unlawful Delivery Hypodermic Needles	Fel G	16-4757(d)	63
Unlawful Delivery Noncontrolled Substance	Fel D Violent	16-4752A	41
Unlawful Dissemination Gambling Info.	Misd A (o&d)	11-1411	71
Unlawful Distribution Unauth. Controlled Substance	Fel F	16-4755(a)(1)	56
Unlawful Firearm Transaction Behalf of Another	Fel F	11-1455	56
Unlawful Firearm Transaction Behalf of Another (Prior)	Fel C Violent	11-1455	35
Unlawful Grand Jury Disclosure	Misd B	11-1273	74
Unlawful Imprisonment 1 st Degree	Fel G Violent	11-782	59
Unlawful Imprisonment 2 nd Degree	Misd A (o&d)	11-781	70
Unlawful/Improper Influence	Misd A (o&d)	11-1207	71
Unlawful Operation Recording Device (Motion Picture)	Misd A (prop)	11-858(a)(2)	68
Unlawful Operation Recording Device (Still Photograph)	Misd B	11-858(a)(1)	74
Unlawful Possession Hypodermic Syringe	Unclass Misd	16-4757(c)	76
Unlawful Printing Credit Card Receipt	Unclass Misd	11-915A	76
Unlawful Sale Traffic Control Device	Title 21	21-4112A(c)	79
Unlawful Sexual Contact 1 st Degree	Fel D Violent	11-769	41
Unlawful Sexual Contact 2 nd Degree	Fel F Violent	11-768	53
Unlawful Sexual Contact 3 rd Degree	Misd A (viol)	11-767	66
Unlawful Use Consumer Identification Info	Unclass Misd	11-914	76
Unlawful Use Credit Card (\$1,000> /vt>62)	Fel F	11-903	55
Unlawful Use Credit Card (<\$1,000)	Misd A (prop)	11-903	68
Unlawful Use Credit Card Info.	Unclass Misd	11-915	76
Unlawful Use of Criminal History	Misd A (o&d)	11-8523(d)	72
Unlawful Telecommunication Device (>50/2 Priors)	Fel D	11-850(b)(3)	44
Unlawful Telecommunication. Devices (10-50/Prior)	Fel F	11-850(b)(2)	55
Unlawful Telecommunication Device	Unclass Misd	11-850(b)(1)	76
Unlawful Transfer of Firearm to Child	Fel G	11-1445(4)	62
Unlawful Transfer of Firearm (Enabling Crime)	Fel E Violent	11-1445(5)	46
Use Consumer Identification Information	Unclass Misd	11-914	76
Use Credit Card (\$1,000> /vt>62)	Fel F	11-903	55
Use Credit Card (<\$1,000)	Misd A (prop)	11-903	68
Use Credit Card Info	Unclass Misd	11-915	76
Use of Criminal History	Misd A (o&d)	11-8523(d)	72
Use Illegitimate Sales Receipt/UPC Code	Misd A (prop)	11-840A	68
Use Illegitimate Sales Receipt/UPC Code(>15/>\$1,000)	Fel F	11-840A	55
Vehicle, Maintain for Illegal Use	Fel F	16-4755(a)(5)	56
Vehicular Assault 1 st Degree	Fel F Violent	11-629	53
Vehicular Assault 2 nd Degree	Misd B	11-628	74
Vehicular Homicide 1 st Degree	Fel E Violent	11-630A	46
Vehicular Homicide 2 nd Degree	Fel F Violent	11-630	53
Video Privacy Protection	Unclass Misd	11-925	76

<i>CRIME</i>	<i>CLASS</i>	<i>STATUTE</i>	<i>PG</i>
Video Lottery Cheat Device	Misd A (prop)	11-1471/1472	68
Video Lottery Cheat Device (Prior < 3 yrs)	Fel G	11-1471/1472	63
Violation of Privacy	Misd A (o&d)	11-1335(a)(1-5, 8)	71
Violation of Privacy (Prurient Recording)	Fel G	11-1335(a)(6,7)	61
Violation of Probation, Sentencing Policy			
Vital Records, Crimes Involving (Fel)	Fel G	16-3111(a)	65
Vital Records, Crimes Involving (Misd)	Unclass Misd	16-3111(b)	76
Wearing Body Armor During Felony	Fel B Violent	11-1449	30
Wearing Disguise During Felony	Fel E	11-1239	50

INTRODUCTION

The Delaware Sentencing Accountability Commission (hereinafter referred to as "SENTAC") was created under Title 11, §6580 of the Delaware Code. The overall purpose of the creation of the Commission was to establish a system that emphasizes accountability of the offender to the criminal justice system and accountability of the criminal justice system to the public. In fulfillment of that purpose, the Commission created the sentencing guidelines embodied in this Benchbook. Said guidelines were approved of and implemented by Administrative Directive Seventy-Six of the Supreme Court of Delaware.¹ The guidelines are designed to ensure certainty and consistency of punishment commensurate with the seriousness of the offense and with due regard for resource availability and cost. However, it should be noted that Delaware's sentencing guidelines are voluntary, non-binding, and as such, in the absence of constitutional violations, are not generally subject to appeal.²

This Benchbook is designed to assist sentencing judges, prosecutors and defense attorneys in the formulation of sentences that are consistent with the goals of sentencing reform promulgated by SENTAC. Contained within are recommended sentencing ranges and statutory mandates for each offense. The overall sentencing philosophy of the General Assembly and SENTAC is that offenders should be sentenced to the least restrictive and most cost-effective sanction possible given the severity of the offense, the criminal history of the offender and the focus, which is, above all, to protect the public's safety. Other goals in order of priority include: (1) Incapacitation of the violence-prone offender; (2) restoration of the victim as nearly as possible to the victim's pre-offense status, and (3) rehabilitation of the offender. (64 Del. Laws, c. 402 § 1)

This Benchbook is revised annually to reflect legislative changes since the passage of the Truth in Sentencing Act of 1989.

How to Use This Book

The Table of Contents appears in the front of the book and will serve to guide you to the basic categories within this book. Appearing directly after the Table of Contents is an alphabetical listing of the offenses, their classifications and the corresponding page numbers. Prior to the actual specific categories is a summary of the broad offense categories and their general respective presumptive sentences. Following that you will find the recommended sentences and sentencing mandates for each particular crime in the offense category itself. The general offense categories have been listed in the Table of Contents.

In general, presumptive sentences are based on the classification of the offense, and whether it is violent or non-violent in nature. The majority of crimes have been divided into violent and non-violent categories based upon legislative determination (Title 11, §4201(c)). The recommended penalties for violent crimes are more severe than those prescribed for non-violent crimes in the same class. All Class A Felonies have been designated

¹ Sept. 15th, 1987

² *Siple v State*, 701 A.2d 79, 82-83 (Del. 1997)

as violent. All other felony classifications have been separated into violent and non-violent offenses. Whenever appropriate, sentences should reflect the objective of rehabilitation by including specific conditions of probation designed to aid in the treatment and/or vocational training of the offender.

Class A Misdemeanors have been divided into five general categories by SENTAC: Violent MA1, Escape MA2, Property MA3, Order & Decency MA4, and Controlled Substances MA5. The presumptive sentencing pages for misdemeanors share the same format as the felony offenses. Please note that some sentences require a period of time at one level to be followed by a period of time at another level. (For example: the presumptive sentence for the second conviction of a class A violent misdemeanor is up to 6 months at Level III AND up to 6 months at Level II.) The maximum fine is also included for misdemeanor offenses.

The recommended sentencing range for a particular crime classification, when aggravating or mitigating factors are not present, can be found at the beginning of the crime category. Crimes are listed in order of statute number with respect to title and section numbers, appearing as they would in the Delaware Code. When a particular offense requires specific treatment as mandated by the legislature a notation will be attached to said offense and supplementary notations will follow at the end of a given category. The presumptive sentencing range for a first conviction generally represents 25% of the statutory maximum; while serious aggravating factors may increase the penalty up to 100% of the statutory maximum. However, examples of common aggravated sentences as a result of prior criminal history, excessive cruelty or commission of the offense while under the control of the Department of Correction are contained in the box following the listing of statutes included within the offense category.

Within the Table of Contents you will find a Summary of Drug Offenses that gathers all of the drug offenses in one section of the book for ease of reference. The drug offenses are also listed in their respective offense level classifications. In addition, there is a listing of Aggravating and Mitigating Factors. You will also find the topic "Exceptional Sentences" and under that category are considerations that would take a sentence out of the normal range. Those topics include: (A) Special categories of (1) Domestic Violence and (2) Escape and (B) Habitual Criminal sentences.

Aggravating and mitigating factors are to be used to explain a sentence imposed either above or below the presumptive sentence. Other factors, which do not appear on this list, may be utilized at the discretion of the sentencing judge. Although the increased or decreased penalties for most aggravating/mitigating circumstances are not specified, the "up to 25%" increase/decrease guide should be utilized whenever suitable.

When an offender is sentenced on multiple charges, only the primary charge should carry an enhanced penalty based on prior criminal history. All other charges should receive penalties consistent with or lower than the presumptive sentence for the offense, unless aggravated by some factor specific to the individual charge. In this way, judges can impose serious penalties when necessary and construct meaningful probation sentences to follow incarceration. It should be noted that all sentences that impose a period of incarceration of one or more years at Level V, require that the court must include as part of its sentence a six-month "Reintegration Period" at Custodial Supervision Level IV (quasi-incarceration), III, or II.³

Following the Exceptional Sentences category are recommendations on the sentences appropriate for Violations of Probation. The reporting of these proceedings, along with aggravating factors, should follow the same procedures as for new offenses.

³ Title 11, §4204 (l)

General Sentencing Information:

Levels of Supervision:

There are five levels of supervision in the Delaware criminal justice system as defined according to Title 11, §4204 and SENTAC policy.⁴ They are as follows:

Level I	<i>Unsupervised:</i> Fine or Administrative Supervision, i.e. criminal record checks, checks to determine compliance with program completion, certification of payment of financial obligations, etc.
Level II	<i>Field supervision:</i> 1 to 50 hours of supervision per month. This may be accomplished by office visits or field visits and/or the imposition of special conditions such as payment of a fine.
Level III	<i>Intensive supervision:</i> 1 hr./day and no more than 56 hrs./wk. Level is supervised by officers carrying limited caseloads to allow sufficient time for full follow up. It may include sentencing options such as community service, payment of a fine, day reporting, curfews, etc.
Level IV	<i>Quasi-Incarceration or Partial Confinement:</i> Offender is placed under house arrest with electronic monitoring, a halfway house, a restitution center, a residential treatment facility, &/or a reentry program. As a result, supervision should amount to approximately 9 or more hours daily.
Level V	<i>Incarceration or Full Confinement:</i> Commitment to the Department of Correction for a period of incarceration with or without the imposition of a fine as provided by law.

Probationary Sentences:

A.) Maximum Probationary Sentences:

1. The period of probation for violent felonies⁵ is limited to 24 months.⁶
2. The period of probation for Title 16 felonies⁷ is limited to 18 months.⁸
3. The period of probation for all other offenses is limited to 1 year.⁹

B.) Multiple Sentences:

In most cases, if an offender is serving more than one sentence as a result of convictions in more than one case, the offender shall not serve a consecutive period of probation or suspension in excess of the above time limitations. Instead, such probation shall be deemed to run concurrently with the previously imposed sentence of probation. However, the limitations of this section shall not apply to a sentence imposed for a conviction involving an offense committed while the offender was on probation or suspension of sentence.¹⁰

⁴ *Master Plan for Effective Sentencing Reform in Delaware*, SENTAC (May 1, 1986).

⁵ Title 11, §4201(c)

⁶ Title 11, §4333 (b)(1)

⁷ Title 16 (Health and Safety)

⁸ Title 11, §4333 (b)(2)

⁹ Title 11, §4333 (b)(3)

¹⁰ Title 11, §4333 (c)

C.) Exceptions to the General Rules

- 1.) The above limits do not apply to sex offenses¹¹ if the sentencing court determines on the record that a longer period of probation will reduce the likelihood of re-offending.¹²
- 2.) The above limits shall not apply to Title 11 violent felonies¹³ if the sentencing court determines on the record that public safety will be enhanced as a result.¹⁴
- 3.) Limits may be exceeded if additional time is necessary in order to collect restitution, but must be served at Accountability Level I.¹⁵
- 4.) Limits may be exceeded by up to 90 days if more substance abuse treatment time is needed.¹⁶
- 5.) Total probation time cannot exceed maximum commitment time, or one year, whichever is greater.¹⁷
- 6.) Limits do not apply to the Title 11, §4204(l) sentences which provide for a six-month transition period from Level V incarceration to a lower level of supervision. The six-month transition period may be in excess of the maximum statutory sentence of imprisonment.¹⁸
- 7.) Portions of a sentence designated to be served at Accountability Level IV (quasi-incarceration) are not considered a "period of probation or suspension of sentence" as used in this section.¹⁹
- 8.) Ex Post Facto Considerations. The above sections, A, B and C (1-4), are inapplicable to sentences imposed prior to June 1, 2003 unless an application has been made to the Court by the Department of Correction for sentence modification based upon good cause and an order is entered to that effect.²⁰

A Word Of Caution:

Please remember that under the Truth in Sentencing Act, there is no parole, and all Level V sentences will be served with only very limited good time possibilities. This means that instead of serving from 25% to 50% of the sentence, a minimum of 75% will be served prior to release.

It should be noted that, absent extraordinary reasons, any Level IV (quasi-incarceration) sentence should only be imposed as an alternative to incarceration. Any person sentenced to Level IV (quasi-incarceration) should be held at Level V until space is available. If an individual can be held at Level III while awaiting Level IV (quasi-incarceration), please consider whether a Level III sentence might not be more appropriate.

¹¹ Title 11, §761: 763 Sexual harassment, 764 Indecent Exposure 2d°, 765 Indecent Exposure 1st°, 766 Incest, 767 Unlawful Sexual Contact 3rd°, 768 Unlawful Sexual Contact 2d°, 769 Unlawful Sexual Contact 1st°, 770-773 Rape, 776 Sexual Extortion, 777 Bestiality, 778 Continuous Sexual Abuse of a Child, 779 Dangerous Crime Against a Child, 780 Female Genital Mutilation, 1108 Sexual Exploitation of a Child, 1109 Unlawful Dealing in Child Pornography, 1110 Subsequent Convictions of 1108 and 1109, 1111 Possession of Child Pornography, 1112 Sexual Offenders/Prohibitions from School Grounds, 1112A Sexual Solicitation of a Child

¹² Title 11, §4333 (d)(1)

¹³ Title 11, §4201 (c)

¹⁴ Title 11, §4333 (d)(2)

¹⁵ Title 11, §4333 (d)(3)

¹⁶ Title 11, §4333 (e)

¹⁷ Title 11, §4333 (f)

¹⁸ Title 11, §4333 (g)(1)

¹⁹ Title 11, §4333 (g)(2)

²⁰ Title 11, §4333 (j)

SENTAC STATEMENT OF POLICY

1. The purposes of the Sentencing Standards are as follows: (a) To incapacitate, through incarceration, the violence prone offender and (b) To avoid, in so far as possible, the incarceration of the non-violent offender for the purposes of:
 - Enabling the offender to make any ordered restitution in a more timely manner.
 - Enabling participation in programs aimed at rehabilitation of the offender.
 - Conserving the limited incarceration facilities for use by violent felons.
2. For the purposes of sentencing, a violence-prone offender is defined as one for whom the current most serious offense is a crime included in the current list of violent crimes. (See definition sheets)
3. For the purposes of sentencing, only those offenses adjudicated at age 14 or older shall be counted in prior history.
4. For the purposes of sentencing, a conviction-free period of ten (10) years after final release from incarceration, or from date of sentence if only probation at levels I thru IV was ordered, shall be sufficient to “wash” the criminal history prior to that date. Felony A and Felony B crimes are excluded from this policy and should always be considered at time of sentencing.
5. In an instance where an offender, who is awaiting sentencing after conviction, is brought before the court and convicted of additional charges, the sentencing order may include all the offenses in a single order. The earlier unsentenced offenses shall not be considered in the prior history of the later offenses unless the later offenses occurred in the period after conviction on the earlier offenses.
6. When it can be determined that two or more prior convictions were the result of a single incident, only **one conviction per incident shall be considered for criminal history purposes in reaching a decision on the appropriate guideline.** (Example: Conviction on same date of Robbery 2 and Possession of Deadly Weapon During Commission of Felony = 1 prior violent Felony.)
In addition to its normal definition, convictions for a single incident shall include all convictions resulting from a single indictment or information.
7. When sentencing on multiple charges, prior criminal history should be considered only in determining **the guideline** for the “lead” or most serious offense. Sentences for other current charges shall be calculated based on zero criminal history.
- 7a. Whenever a defendant is sentenced on multiple offenses to probation, the level of probation should be the same for all concurrent sentences. Senate Bill 50, codified as 11 Delaware Code Section 4333(c) makes with narrow exceptions, all periods of probation concurrent. Section 4333(b) also, with exceptions, places limits on the length of probation. If an offender is sentenced to different levels of probation, Probation and Parole places him or her in the highest level of probation imposed and that classification applies to all sentences imposed even at different levels. Title 11 Section 4333(i) empowers the Department of Correction to evaluate offenders after 60 days from the date of sentence. Such evaluation is to determine the appropriate level of probation within Level 3, 2, or 1.
This new policy does not apply to Level 1 – Restitution Only.
8. When sentencing on multiple charges and the lead offense is a violent felony, time for other current violent felonies will be added to Level V time.
9. When considering multiple charges, a violent felony shall be considered to be the most serious offense, for sentence calculation purposes, even though non-violent felonies of higher classification are present.
10. When ordering a sentence, the Judge will order the offender to a specific initial level of supervision (Assessment of Risk). The judge may recommend a specific treatment program. The DOC will make every

effort to assign the offender, or procure admittance into, the recommended program, or equivalent, as slots become available.

11. In those cases where the Court would consider a level IV alternative to Level V incarceration and no vacancy exists, the judge should sentence the offender to Level IV, with the proviso that the offender be held at Levels V, IV, and III at the discretion of the Court until a Level IV facility becomes available.
12. All probation sentences handed down at one time (levels I, II, and III) should in the normal case be imposed to run concurrently.
13. Traffic offenses as listed in Del.C., Title 21, with the exception of section 2810, Driving after Judgment Prohibited, will not currently come under the purview of the Sentencing Standards. However, in the interest of conserving expensive and limited prison space for the violent and proven intractant offender, it is strongly recommended that Title 21 offenders not be given a sentence to Level V incarceration unless they have previously been sentenced to, and failed at, supervision in Level III and Level IV, or unless incarceration is mandated by law.
14. Repetitive criminal history, as an aggravating factor, is defined as conviction or adjudication for the same or similar offense on two or more previous occasions. This policy is subject to the limitations outlined in Policy Nos. 3 and 4, and to the limitations outlined in the various misdemeanor presumptive sentencing standards.
15. Excessive cruelty, as an aggravating factor, is defined as those facts surrounding the commission of a violent felony, which demonstrate such a callousness and cruelty towards the victim of the offense as to shock the conscience of the court.
16. Aggravating factors for the use of Level V as sanction for the non-violent categories of misdemeanor should be limited to objective factors, such as:
 - ❖ Vulnerability of victim due to age or impairment
 - ❖ Lack of Amenability – If offender is or was already at or above the presumptive Level of Supervision.
17. When an offender is released from incarceration by any means (good time credits, conditional release, etc.) the release will be to the highest level specified by the court, or by statute, for any unserved sentence, or portion thereof. If no level has been specified, release will be to Level II by default.
18. The supervisory levels (Level IV [Quasi-Incarceration]; Level III [Intensive Supervision]; etc.) refer to the perceived risk and resultant control to be exercised over the individual. An offender may, as a result of evaluation, be assigned to any type of treatment program without affecting the supervision level. Therefore, a change in supervisory level does not require a change in treatment program.
19. For purposes of determining conformance to standard, the final sentence, after any suspensions, is the determinant factor. For example, if a given sentence is 2 years at Level V suspended for 2 years at Level II, the Level II sentence is the portion which will actually be served and, therefore, the portion which will be considered as conforming (or not conforming) to the standard.
20. In those instances involving non-violent felonies, where a decision to incarcerate, with appropriate aggravating factors, has been made, the sentence should be UP TO, but NOT IN EXCESS of, 25% of the statutory maximum for the crime.
21. In those instances involving misdemeanors, where, due to stated aggravating factors, a decision has been reached that a sentence to incarcerate is unavoidable; the sentence should not exceed the "recommended maximum" as noted in the standards.

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22. In instances when a **non-TIS** sentence to Level V is followed by a sentence to Level IV and/or Level III supervision, the Board of Parole may grant parole as follows:
- a. Parole to the highest level specified by the original sentencing order. Should a violation occur during the parole period, the offender would be returned before the Board of Parole for violation of parole. Upon successful completion of the required period, the Department may, if appropriate, move the offender pursuant to Policy No. 26, if such a move is not in conflict with the Board of Parole Order. (Revised 9/22/98)
 - b. Offenders released upon reaching their short-time release date (conditional release) shall be released to serve the balance of the Level V sentence (i.e. conditional release supervision period) to the next highest level specified by the original court order or other subsequent sentencing order. If appropriate, the Department may move the offender pursuant to Policy No. 26, if such a move is not in conflict with the Board of Parole Order.
 - c. If a paroled or mandatory-released offender is serving a court-ordered Level IV or III sentence and the unexpired portion of the Level V sentence is less than one (1) year, the Board of Parole, upon application by the Department of Correction, may issue an order discharging the offender from the balance of the Level V sentence, once an equivalent period has been successfully served at Level IV or III.
23. In those cases where an offender is subject to sentences for more than one offense, and when the combined sentence to intermediate sanction at level IV is in excess of one year, including any work release time on a sentence of incarceration, the Department of Correction shall, absent specific objections from the judge(s), be permitted to move the offender, after one year, to a lower level of supervision, providing the offender has met, and continues to meet, the regulations and any special conditions placed upon him/her by the courts. Any lapse in meeting those conditions shall be grounds for a return to completion of the Level IV sentence without recourse to the courts. In like manner, combined sentences to Level III in excess of twelve months shall be subject to movement to a lower level. Such movements, both up and down, will have no effect on the overall length of sentence, except when a formal violation report is filed with the court.
24. Any person failing to return to a Level IV facility shall be deemed to be on escape status. The facility shall cause a warrant to be issued charging the offender with Escape After Conviction and identifying him as a Level IV escapee. Any such person arrested on the warrant shall be returned to the original sentencing court for both a violation hearing and the new charge.
25. Where a defendant is directly sentenced to Level IV Work Release Center, residential treatment, or home confinement and has awaited placement pending slot availability at Level V for a period of 90 days or one half of the Level IV sentence (whichever is less), the Department of Correction shall make appropriate sentence modification recommendations to the sentencing Judge.
26. Level IV, work release center or halfway house, is deemed quasi-incarceration. A defendant serving a sentence at Level IV, work release or halfway house, i.e., quasi-incarceration, is entitled to earn "good time credits" pursuant to 11 Del. C s4381(b) and (c).
27. It is further the policy of SENTAC that individuals sentenced to Level IV (any variation), who must serve a term at Level V awaiting placement at Level IV, shall, during the time served with good conduct at Level V, be awarded good time pursuant to 11 Del. C. S4381(b)(2).
28. Any person arrested on a charge of escape from any Correctional facility, including both Level V and Level IV facilities, should be returned by the court to a Level V secured facility pending such hearings as may ensue from the charge.

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29. With regard to sentences of incarceration conditioned by section 4204(k) of Title 11, as amended in 1997, it shall be understood that such sentences are to be served in their entirety at level V, and that there shall be no diminution of such sentence by any of the normally available early release devices, including (but not limited to) good time credits, furlough, work release or community transition. Because such sentences add significant complexity to the management of the population of incarcerated offenders, and, if used indiscriminately, would substantially increase the prison population, Section 4204(k) should be used by judges only in exceptional circumstances.
 30. Since imposition of a sentence pursuant to 11 Del C., sec 4204(k) is, in effect, a departure from the presumptive sentencing guidelines; the reason for use of Sec 4204(k) must be stated on the record and included in the sentencing order. When Section 4204(k) is used with a sentence for an escape-related offense, the reasons for its use are self explanatory and need not be stated on the record or sentencing order.
 31. For any Title 16 offense in which no fine is imposed, the Court shall consider imposing a SARTEP (Substance Abuse, Rehabilitation, Treatment, Education and Prevention Fund) civil penalty not to exceed \$300.
 32. There is a significant cost benefit to the Court, police agencies, attorneys, Department of Correction, the victim and the public in general when a defendant resolves a case early in the criminal process and admits his or her involvement. As such, the Commission, in recognition of these efficiencies, reduces the guideline sentence by 25% when a defendant pleads guilty to the offense and resolves the matter 30 days prior to the scheduled trial. This guideline will only apply when there has been an admission of guilt and is not applicable to Robinson or nolo contendere pleas.

Please familiarize yourself with the above policies and follow them, insofar as possible, in each and every case. If questions should arise, contact either a member of the Commission or the SENTAC staff, Ron Keen, at (302) 577-8728 or Ronald.Keen@state.de.us, or Tiffany Terranova at (302) 577-8717 or Tiffany.Terranova@state.de.us.

MEMBERS OF THE SENTENCING ACCOUNTABILITY COMMISSION

Description of Commissioner Position	Commission Member:
Four members of the judiciary appointed by the Chief Justice, 2 of whom shall be initially appointed for a 2-year term and 2 of whom shall be appointed to a 4-year term; provided, that each succeeding term for all 4 of such members shall be 4 years;	Chair: Honorable William C. Carpenter, Jr.
Four members of the judiciary appointed by the Chief Justice, 2 of whom shall be initially appointed for a 2-year term and 2 of whom shall be appointed to a 4-year term; provided, that each succeeding term for all 4 of such members shall be 4 years;	Honorable T. Henley Graves
Four members of the judiciary appointed by the Chief Justice, 2 of whom shall be initially appointed for a 2-year term and 2 of whom shall be appointed to a 4-year term; provided, that each succeeding term for all 4 of such members shall be 4 years;	Honorable Alan G. Davis
Four members of the judiciary appointed by the Chief Justice, 2 of whom shall be initially appointed for a 2-year term and 2 of whom shall be appointed to a 4-year term; provided, that each succeeding term for all 4 of such members shall be 4 years;	Honorable Chandlee Johnson Kuhn
The Attorney General or the Attorney General's designee;	Honorable Joseph R. Biden III
The Public Defender or the Public Defender's designee;	Honorable Brendan J. O'Neill
The Commissioner of Corrections or the Commissioner of Corrections' designee;	Honorable Carl Danberg
Members-at-large, each of whom shall, by training or experience, possess a knowledge of Delaware sentencing practices, 2 to be appointed by the Governor	Honorable Bernard Pepukayi
Members-at-large, each of whom shall, by training or experience, possess a knowledge of Delaware sentencing practices 1 by the Pres. Pro Tempore of the Senate	Honorable Jerome O. Herlihy
Members-at-large, each of whom shall, by training or experience, possess a knowledge of Delaware sentencing practices, 2 to be appointed by the Governor	Martin W. Johnson, III Chief Delaware Police Chief's Council
Members-at-large, each of whom shall, by training or experience, possess a knowledge of Delaware sentencing practices, 1 by the Speaker of the House	Colonel Robert Coupe

Class A Felony

Violent (FAV):

Sentence Range (Violent Category) FAV (Exclusive of 1st Degree Murder (11-4209))	
Statutory Range	15 yrs to life (First 15 yrs @ Level V may not be suspended. 11-4205(d))
Presumptive Sentence	15 yrs @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-634	Child Murder by Abuse/Neglect 1st Degree (a) Reckless: Death of Vt<14 y.oa. by (1) abuse/ neglect/ (2) previous pattern
11-635	Murder 2nd Degree (see note) (1) Reckless:Cruel,Wicked,DepravedIndiff/ (2) Neg: Comm.Fel
11-636	Murder 1st Degree (see note) (a)(1)Intentional/ (2)Reckless:Comm.Fel/ (3)Causes Suicide by Force/ (4)Reckless: Death LEO, CO, FF/ (5)Death Detonation/ (6)Prevent Arrest
11-773	Rape 1st Degree (see note) (a)(1)W/out Consent & SeriousInjury/ (2)Comm.Crime/ (3)DeadlyW/ (4)Principle-Accomp/ (5)Vt<12,D>18/ (6)Vt<16 & D=Trust
11-779A(e)(3)	Sex Offender Unlawful Sexual Conduct Against a Child (see note)
11-787 b(2)(c), b(4), c	Trafficking of Persons & Involuntary Servitude (see note)
11-1304	Hate Crime (Underlying Offense: Class A Felony) (see note)
11-1339	Adulteration: Death
16-1136(a)	Abuse/Neglect of Patient: Death
31-3913(c)	Abuse/Neglect of Infirm Adult: Death

Sentences For Prior Criminal History Categories	
Offense committed while on release or pending trial or sentencing	15 to 25 yrs @ Level V
Two or more prior felonies	15 to 25 yrs @ Level V
One prior violent Felony	15 to 25 yrs @ Level V
Two or more prior violent Felonies	15 to Life @ Level V
Excessive Cruelty	15 to Life @ Level V

Supplemental Notations for Class A Felonies:

11-4381(a) Probation is not available for offenders sentenced to life.
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All sentences for over 1 year at Level V require a six-month reintegration at Levels IV (quasi-incarceration), III, OR II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for the rehabilitation fund.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-635	Murder 2nd Degree. <i>Reclassified in 6/2003.</i>
11-636	<p><u>Murder 1st Degree</u></p> <ul style="list-style-type: none"> 4209(d)(1): The following sentence was added in regard to sentencing by the court: The jury's recommendation concerning whether the aggravating circumstances found to exist outweigh the mitigating circumstances found to exist shall be given such consideration as deemed appropriate by the Court in light of the particular circumstances or details of the commission of the offense and the character and propensities of the offender as found to exist by the Court. The jury's recommendation shall not be binding upon the Court. 4209(d)(4): After the Court determines the sentence to be imposed, it shall set forth in writing the findings upon which its sentence is based. If a jury is impaneled, and if the Court's decision as to whether the aggravating circumstances found to exist outweigh the mitigating circumstances found to exist differs from the jury's recommended finding, the Court shall also state with specificity the reasons for its decision not to accept the jury's recommendation.
11-773	<p><u>Rape 1st Degree</u></p> <ul style="list-style-type: none"> (c) A person convicted under this section shall be sentenced to life without benefit of probation, parole or other reduction if: (1) vt < 16 + serious injury, (2) permanent disfigures or disables (3) 3 or more vts or (4) prior conviction of unlawful sexual intercourse 1st degree, rape 1st or 2nd degree or equivalent offense 11-4205A: (1) If prior conv. for Class A or B felonious sex offense (or similar from another state) or (2) If the vt is < 14 yoa, then the min. man. is 25 years at Level V up to life <i>(7/26/06)</i>
11-779A(e)(3)	<p><u>Sex Offender Unlawful Sexual Conduct Against a Child</u></p> <ul style="list-style-type: none"> (e)(3) If the underlying sexual offense is a class A or B felony, the crime of sex offender unlawful sexual conduct against a child shall be the same grade as the underlying offense, and the minimum sentence of imprisonment required for the underlying offense shall be doubled.
11-787 b(2)(C), b(4), c	<p><u>Trafficking of Persons and Involuntary Servitude</u></p> <ul style="list-style-type: none"> (b)(2)(C) sexual servitude of a minor in which overt force or threat was involved is a class A felony. (b)(4) Trafficking of persons for use of body parts. A person is guilty of trafficking of persons for use of body parts when a person knowingly (i) recruits, entices, harbors, provides or obtains by any means, another person, intending or knowing that the person will have body parts removed for sale or (ii) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of this Section. Such person shall be guilty of a class A felony. Nothing contained herein shall be construed as prohibiting the donation of an organ by an individual at a licensed medical facility after giving an informed voluntary consent. (c) Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution, including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or of Title 19 of the Delaware Code, whichever is greater.
11-1304(b)(4)	<p><u>Hate Crime (Underlying Offense: Class A Felony)</u></p> <p>If the underlying offense is a Class A Felony, the minimum sentence of incarceration shall be doubled.</p>

Class B Felony

I.) Violent (FBV)

Sentence Range (Violent Category) FBV	
Statutory Range	2 to 25 yrs (First 2 yrs @ Level V may not be suspended. 11-4205(d))
Presumptive Sentence	2 – 5 yrs
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category

11-606	Abuse of Pregnant Female 1st Degree Intentionally causes termination through violence without consent
11-613	Assault 1st Degree (see note) (a)(1) Intentional: Serious Injury & DW/ (2)Perm.Disfiguremt/ (4)Comm.Fel+SeriousInjury/ (5)Serious Injury: LEO, FF, (6) Medical Personnel, (7)>62y.o.a (a)(3) Recklessly: Serious Injury/ (4)Comm.Fel+SeriousInjury
11-615	Assault of Child by Abuse/Neglect (a) Recklessly: Serious Injury of Vt<14 y.o.a. by (1)abuse/ neglect/ (2)previous pattern
11-632	Manslaughter (see note) (1)Recklessly: Death/ (2)Intent=SeriousInjury: Death/ (3)Intentionally: Death but Extreme Emotion/ (4)Non-therapeutic Abortion: Death/ (5)Intentionally Causes Suicide
11-633	Child Murder by Abuse/Neglect 2nd Degree (a)Negligently: Death of Vt<14 y.o.a. by (1)abuse, neglect/ (b)previous pattern
11-771	Rape 3rd Degree (see note) (7/26/06) (a)(1) Intercourse: vt<16 & D>10 yrs older/ vt<14 & D=19+ y.o.a. (a)(2) Penetration: (a) w/out consent; Comm.fel.; SeriousInjury/ (b) vt<16,Comm.Fel.; injury
11-772	Rape 2nd Degree (see note) (7/26/06). (a)(1)Intercourse w/out consent/ (2)Penetration: (a) w/out consent & serious injury/ (b) w/out consent & Comm.Crime/ (c)vt<16 & SeriousInjury/ (d) w/out consent & DW or threat/ (e)vt<16 & DW or threat/ (f) w/out consent & Principle-accomp/ (g)vt<12 & D+18+/ (h) vt < 16 & D= trust
11-778	Continuous Sexual Abuse of Child (see note) (7/26/06)
11-779	Dangerous Crime Against Child (see note) (7/26/06)
11-779A(e)(2),(e)(3)	Sex Offender Unlawful Sexual Conduct Against a Child (see note)
11-783A	Kidnapping 1st Degree Unlawful restraint w/out voluntary release of vt unharmed prior to trial to: (1) hold vt for ransom/ (2) use vt as hostage/ (3) Comm.fel/ (4) injure or sexually abuse vt/ (5) terrorize vt or 3d party/ (6) take child<16
11-787 b(1)(A), b(1)(B),b(2)(B), b(3), c	Trafficking of persons and involuntary servitude (see note)
11-826(a)(2)	Burglary 1st Degree (Vt> 62 y.o.a.) (see note) (a) Dwelling at night (1) armed/ (2) causes injury to nonparticipant

11-832	Robbery 1st Degree (see note) (a)(1)injury to nonparticipant/ (2) DW or threat of/ (3)armed & use or threat/ (4)vt>62)
11-836(a)(4-6)	Carjacking 1st Degree (a)(4)DW or threat/ (5)Injury/ (6)Vt>62 or <14 y.o.a
11-1108	Sexual Exploitation of Child (see note)
11-1109	Dealing in Child Pornography
11-1253	Escape After Conviction (Special Escape Category May Apply)(see note) Injury
11-1254(b)	Assault in Detention Facility w/Serious Injury (see note)
11-1304(b)(3)	Hate Crime (Underlying Offense: Class C Felony)
11-1304(b)(4)	Hate Crime (Underlying Offense: Class B Felony) (see note)
11-1447	Possession of Deadly Weapon during Commission of a Felony (see note)
11-1447A	Possession of Firearm during Commission of a Felony (see note)
11-1449	Wearing Body Armor during Commission of a Felony (see note)
11-1503	Racketeering (see note)
16-4751(c)	Manufacture/Delivery Narcotic: Death (see note)
16-4753A	Trafficking in Controlled Substances (see note)

II.) Nonviolent (FBN)

Crimes in Category

11-1110	Unlawful Dealing Child Pornography (2 nd offense of 11- 1109)
31-610(a)(3)	Trafficking in Food Stamps (Firearms/Ammunition/Controlled Substances) (see note)

Sentences For Prior Criminal History Categories	
Offense committed while on release or pending trial/sentencing	Up to 10 yrs at Level V
Two or more prior felonies	Up to 10 yrs at Level V
One prior violent Felony	Up to 10 yrs at Level V
Two or more prior Violent Felonies	Up to 25 yrs at Level V
Excessive Cruelty	Up to 25 yrs at Level V

Supplemental Notations For Class B Felony:

If crime is a secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims' fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-613	Assault 1st Degree. <i>Reclassified in 6/2003</i>
11-632	Manslaughter. <i>Reclassified in 6/2003</i>
11-771	Rape 3rd Degree <ul style="list-style-type: none"> (c) If a child is born as a result of offense and remains in the custody of the vt or vt's family, timely child support payments ordered by Family Ct shall be a condition of probation
11-771(a)(2)	<ul style="list-style-type: none"> 11-4205A: (1) If prior conv. for Class A or B felonious sex offense (or similar from another state) or (2) If the vt is <14 yoa, then the min. man. is 25 years at Level V up to life (7/26/06)

11-772	<p><u>Rape 2nd Degree</u></p> <ul style="list-style-type: none"> • (c) Minimum mandatory sentence: 10 yrs at Level V but see below. • 11-4205A: (1) If prior conv. for Class A or B felonious sex offense (or similar from another state) or (2) If the vt is <14 yoa, then the min. man. is 25 years at Level V up to life <i>(7/26/06)</i>
11-778	<p><u>Continuous Sexual Abuse of Child</u></p> <p>11-4205A: (1) If prior conv. for Class A or B felonious sex offense (or similar from another state) or (2) If the vt is <14 yoa, then the min. man. is 25 years at Level V up to life <i>(7/26/06)</i></p>
11-779	<p><u>Dangerous Crime Against Child</u></p> <ul style="list-style-type: none"> • (b) Mandatory Minimum for 2nd offense= life imprisonment. • (c) Defendants sentenced pursuant to this statute shall be not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis until sentence is served. • 11-4205A: (1) If prior conv. for Class A or B felonious sex offense (or similar from another state) or (2) If the vt is <14 yoa, then the min. man. is 25 years at Level V up to life <i>(7/26/06)</i>
11-779A(e)(2), (e)(3)	<p><u>Sex Offender Unlawful Sexual Conduct Against a Child</u></p> <ul style="list-style-type: none"> • (e)(2) If the underlying sexual offense is a Class C, D, E, F, or G felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony one grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony. • (e)(3) If the underlying sexual offense is a class A or B felony, the crime of sex offender unlawful sexual conduct against a child shall be the same grade as the underlying offense, and the minimum sentence of imprisonment required for the underlying offense shall be doubled.
11-787 (b)(1)(A), (b)(1)(B), (b)(2)(B), (b)(3) (c)	<p><u>Trafficking of persons and involuntary servitude</u></p> <ul style="list-style-type: none"> • (b)(1)(A) by causing or threatening to cause physical harm to any person which is a class B felony; • (b)(1)(B) by physically restraining or threatening to physically restrain another person which is a class B felony; • (b)(2)(B) sexual servitude of a minor in which the minor had not attained the age of 14 years and which did not involve overt force or threat is a class B felony; • (b)(3) Trafficking of persons for forced labor or services. A person is guilty of trafficking of persons for forced labor or services when a person knowingly (i) recruits, entices, harbors, transports, provides or obtains by any means, another person, intending or knowing that the person will be subjected to forced labor or services; or (ii) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of this Section. Trafficking of persons for forced labor or services is a class B felony. • (c) Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution, including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or of Title 19 of the Delaware Code, whichever is greater.

11-826(a)(2)	<p><u>Burglary 1st Degree (Vt> 62 y.o.a.)</u></p> <ul style="list-style-type: none"> • (b) Minimum Mandatory Sentences: (b)(1) 2 yrs at Level V or (b)(2) 4 yrs at Level V if within 5 yrs of the date of a previous conviction for Burglary of the 1st or 2nd degree, or the date of release from said conviction. The provisions of §4215 (Previous Conviction Enhancement) shall not be applicable. • (c) Sentencing provisions equally applicable to Attempt <p>First Conviction 24 m. to 48 m. @ Level V On release pending trial/sentence 36 m. to 60 m. @ Level V 2 or more Prior Felonies 48 m. to 96 m. @ Level V 1 Prior Violent Felony 48 m. to 96 m. @ Level V 2 or more Prior Violent Felonies 60 m. to 120 m. @ Level V Excessive Cruelty 60 m. to 120 m. @ Level V</p>
11-832	<p><u>Robbery 1st Degree</u></p> <ul style="list-style-type: none"> • (b) Minimum Mandatory sentence of (1) 3 years at Level V or (2) 5 years at Level V if the conviction is for an offense that was committed within 10 years of the date of a previous conviction or termination of the date of confinement from such previous conviction, whichever date is later. Sentence not subject to terms of §4215 (Previous Conviction Enhancement) • (c) Sentencing provisions equally applicable to Attempt. • Original jurisdiction over juveniles charged with Robbery 1st shifted to Superior Court with reverse amenability available. 1 year mandatory commitment for Robbery 1st involving weapons or serious physical injury or for PFDCF in Family Court.
11-1108	<p><u>Sexual Exploitation of Child</u> Any person convicted of a 2nd or subsequent violation shall be sentenced to life.(Title 11, §1110)</p>
11-1253	<p><u>Escape After Conviction</u> Any sentence imposed shall not run concurrently with any other sentence.</p>
11-1254(b)	<p><u>Assault in Detention Facility w/Serious Injury</u></p> <ul style="list-style-type: none"> • Minimum Mandatory Sentence: 3 yrs at Level V to begin immediately upon sentencing. • Such sentence shall not be suspended nor shall the Defendant be eligible for parole or probation. • Original sentence causing confinement temporarily suspended and continues only after the sentence for this conviction has been completed.
11-1304(b)(4)	<p><u>Hate Crime (Underlying Offense: Class B Felony)</u> If the underlying offense is a Class B Felony, the minimum sentence of incarceration shall be doubled.</p>
11-1447	<p><u>Possession of Deadly Weapon during Commission of a Felony</u></p> <ul style="list-style-type: none"> • (b) Any sentence imposed shall not be subject to suspension, good time, parole or probation. • (c) Any sentence imposed shall not run concurrently. The sentence imposed shall be served following the imposition of a sentence for the conviction of the felony offense. • (d) Juveniles over the age of 16 shall be tried as an adult, with reverse amenability available.

11-1447A	<p><u>Possession of Firearm during Commission of a Felony</u></p> <ul style="list-style-type: none"> • (b) Minimum Mandatory Sentence= 3 years at Level V • (c) If conviction represents 3rd felony conviction= minimum mandatory sentence= 5 years at Level V • (d) Any sentence imposed shall not be subject to suspension, good time, parole or probation. • (f) Juveniles over the age of 15 shall be tried as an adult, with reverse amenability available
11-1449	<p><u>Wearing Body armor during Commission of a Felony</u></p> <ul style="list-style-type: none"> • Minimum Mandatory Sentence= 3 years at Level V which shall not be subject to suspension, parole or probation • Any sentence shall not run concurrently. • The sentence imposed shall be served following the imposition of a sentence for the conviction of the felony offense • Juveniles over the age of 16 shall be tried as an adult, with reverse amenability available
11-1503	<p><u>Racketeering</u></p> <ul style="list-style-type: none"> • 1504(a): Minimum fine= \$25,000 • 1504(b): Mandatory forfeiture of property; Superior Ct shall authorize seizure by AG • 1504(c): In lieu of fine, Defendant may be ordered to pay 3x gross value gained or gross loss caused, whichever is greater, together with investigation, prosecution and court costs reasonably incurred.
16-4751(c)	<p><u>Manufacture/Delivery Narcotic: Death</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$100,000 • 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. • 16-4763(a)(1) If previous conviction under §§4751,4752,4753A or 4761,(c) the maximum imprisonment is 5 yrs or (d): if heroin or heroin mixture, the maximum imprisonment is increased to 10 years. • 16-4763(a)(2) If previous conviction under §§4751,4752,4753A or 4761, (a) the mandatory minimum imprisonment is 3 yrs or (b): if heroin or heroin mixture, the minimum imprisonment is increased to 5 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • Title 21, §4177K: Mandatory 3 yr. driver's license revocation

<p>16-4753A</p>	<p><u>Trafficking in Controlled Substances</u></p> <ul style="list-style-type: none"> • (a) Mandatory Minimum Terms of Imprisonment (Level V) and Non-Mandatory Fines: <ul style="list-style-type: none"> (1) MARIJUANA 5 – 99 lbs.: 2 yrs + Up to \$25,000 fine 100 – 499 lbs.: 4 yrs + Up to \$50,000 fine 500+ lbs: 8 yrs + Up to \$100,000 fine (2) COCAINE 10 – 49 gm: 2 yrs + Up to \$50,000 fine 50 – 99 gm: 4 yrs + Up to \$100,000 fine 100+ gm: 8 yrs + Up to \$400,000 fine (3) OPIATES 2.5-9 gm: 3 yrs + Up to \$75,000 fine 10-49 gm: 10 yrs + Up to \$150,000 fine 50+ gm: 25 yrs + Up to \$750,000 fine (4) METHAMPHETAMINE 5 – 49 gm: 2 yrs + Up to \$50,000 fine 50 – 99 gm: 4 yrs + Up to \$100,000 fine 100+ gm: 8 yrs + Up to \$400,000 fine (5) AMPHETAMINE 5 – 49 gm: 2 yrs + Up to \$50,000 fine 50 – 99 gm: 4 yrs + Up to \$100,000 fine 100+ gm: 8 yrs + Up to \$400,000 fine (6) PHENCYCLIDINE (PCP) 5 – 49 gm: 2 yrs + Up to \$50,000 fine 50 – 99 gm: 4 yrs + Up to \$100,000 fine 100+ gm: 8 yrs + Up to \$400,000 fine (7) LYSERGIC ACID DIETHYLAMIDE (LSD) 50 – 99 doses/5 – 9 liquid mg: 2 yrs + Up to \$50,000 fine 100 – 499 doses/10 – 49 liquid mg: 4 yrs + Up to \$100,000 fine 500+ doses/50+ liquid mg: 8 yrs + Up to \$400,000 fine (8) DESIGNER DRUGS 25 – 249 doses/5 – 49 gm/5 – 49 ml: 2 yrs + Up to \$50,000 fine 250-500 doses/50-100 gm/50-100 ml – 4 yrs + Up to \$100,000 fine 500+ doses 100+ gm/100+ ml – 8 years + Up to \$400,000 fine (9) MDMA 25 – 249 doses/5 – 49 gm/5 – 49 ml: 2 yrs + Up to \$50,000 fine 250 – 499 doses/50 – 99 gm/50 – 99 ml: 4 yrs + Up to \$100,000 fine 500+ doses/100+ gm/100+ ml: 8 years + Up to \$400,000 fine • (b) Adjudication of guilt or imposition of sentence shall not be suspended, deferred or withheld, nor shall such person be eligible for parole or release upon good time, work release, supervised custody, furlough or any similar program prior to serving mandatory minimum term of imprisonment • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
<p>31-610(a)(3)</p>	<p><u>Trafficking in Food Stamps (Firearms/Ammunition/Controlled Substances)</u> May be suspended from the Food Stamp Program for 18 months more than suspension mandated by the Federal Food Stamp Act</p>

Class C Felony (Violent)

I.) (FCV)

Sentence Range (Violent Category) FCV	
Statutory Range	0 to 15 years @ Level V
Presumptive Sentence	Up to 30 months @ Level V
Acceptance of Responsibility	Up to 22 months @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category

11-605	<u>Abuse of Pregnant Female 2nd Degree</u> Recklessly causes termination through violence without consent
11-612 (11)	<u>Assault 2nd Degree</u> The person recklessly or intentionally causes physical injury to a law enforcement officer, security officer, fire policeman, fire fighter, paramedic, or emergency medical technician in the lawful performance of their duties by means of an electronic control device shall be a class c felony.
11-770	<u>Rape 4th Degree</u> (a)(1) vt<16/ (2) vt<18 & D=30+, unless married/ (3)penetration (a)w/out consent or (b) vt<16/ vt>16 but< 18 & D= trust
11-779A(e)(2)	<u>Sex Offender Unlawful Sexual Conduct Against a Child (see note)</u>
11-783	<u>Kidnapping 2nd Degree</u> Unlawful restraint w/ voluntary release of vt unharmed prior to trial to: (1) hold vt for ransom/ (2) use vt as hostage/ (3) Comm.fel/ (4) injure or sexually abuse vt/ (5) terrorize vt or 3d party/ (6) take child<16
11-787 (b)(1)(C) (b)(2)(A)	<u>Trafficking of persons and involuntary servitude (see note)</u>
11-803	<u>Arson 1st Degree</u> Intentionally damage bldg by fire/explosion w/knowledge that bldg is either: (1) occupied or (2) it is within reason that it would have been
11-825	<u>Burglary 2nd Degree (Vt> 62 y.o.a.) (see note)</u> (a)(1) Dwelling/ (a)(2) Bldg + (a) DW or (b) Injury to nonparticipant
11-826	<u>Burglary 1st Degree (see note)</u> (a) Dwelling at night (1) armed/ (2) causes injury to nonparticipant
11-836(a)(1-3)	<u>Carjacking 1st Degree</u> (a)(1) Class D Felony or higher/ (2) DUI/ (3) Drug Offense
11-1112A	<u>Child Sex Solicitation</u>
11-1253	<u>Escape After Conviction (Special Escape Category May Apply)(see note)</u> Force/Threat/Deadly Weapon
11-1304(b)(3)	<u>Hate Crime (Underlying offense: Class D Felony)</u>
11-1312	<u>Stalking w/ Deadly Weapon (see note)</u>

11-1353	Promoting Prostitution 1st Degree (1) Compels or profits by force or intimidation/ (2) Profits by prostitute < 16 y.o.a
11-1455	Firearm Transaction on Behalf of Another (Prior Conviction)
16-4751(a)	Manufacture/Delivery/PWI Schedule I,II Narcotic (see note)
16-4761(a)(1)	Distribution of Schedule I or II Narcotic to u/21 y.o.a. (see note)
31-3913(b)	Exploitation of Infirm Adult (>\$50,000/Prior Conviction)

Sentences For Prior Criminal History Categories	
While on release or pending trial or sentencing	Up to 5 years @Level V
Two or more prior felonies	Up to 5 years @ Level V
One prior Violent felony	Up to 5 years @ Level V
Two or more prior violent felonies	Up to 10 years @ Level V
Excessive cruelty	Up to 10 years @ Level V

Supplemental Notations for Class C Violent Felonies

If crime is secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims' fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
11-616(c)(3) Gang Participation: Conviction for a Class C Felony as a result of gang participation shall be sentenced as a Class B Felony under Title 11, §4205.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-779A(e)(2)	<p><u>Sex Offender Unlawful Sexual Conduct Against a Child</u></p> <ul style="list-style-type: none"> (e)(2) If the underlying sexual offense is a Class C, D, E, F, or G felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony one grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony.
11-787 (b)(1)(C) (b)(2)(A)	<p><u>Trafficking of persons and involuntary servitude</u></p> <ul style="list-style-type: none"> (b)(1)(C) by abusing or threatening to abuse the law or legal process which is a class C felony; (b)(2)(A) sexual servitude of a minor in which the minor was between the ages of 14 and 18 years and which did not involve overt force or threat is a class C felony. (c) Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution, including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or of Title 19 of the Delaware Code, whichever is greater.

11-825	<p><u>Burglary 2nd Degree (Vt > 62 y.o.a.)</u></p> <ul style="list-style-type: none"> (b) Minimum Mandatory Sentences: (1) 1 yr. at Level V or (2) 3 yrs at Level V if within 5 yrs of the date of a previous conviction for Burglary of the 1st or 2nd degree, or the date of release from said conviction. The provisions of §4215 (Previous Conviction Enhancement) shall not be applicable. (c) Sentencing provisions equally applicable to Attempt <p>First Conviction 12 m. to 36 m. @ Level V On release pending trial/sentence 18 m. to 36 m. @ Level V 2 or more Prior Felonies 36 m. to 72 m. @ Level V 1 Prior Violent Felony 36 m. to 72 m. @ Level V 2 or more Prior Violent Felonies 48 m. to 96 m. @ Level V Excessive Cruelty 48 m. to 96 m. @ Level V</p>
11-826	<p><u>Burglary 1st Degree</u></p> <ul style="list-style-type: none"> (b) Minimum Mandatory Sentences: (b)(1) 2 yrs at Level V or (b)(2) 4 yrs at Level V if within 5 yrs of the date of a previous conviction for Burglary of the 1st or 2nd degree, or the date of release from said conviction. The provisions of §4215 (Previous Conviction Enhancement) shall not be applicable. (c) Sentencing provisions equally applicable to Attempt Presumptive sentences: <p>First Conviction 24 m. to 48 m. @ Level V On release pending trial/sentence 36 m. to 60 m. @ Level V 2 or more Prior Felonies 48 m. to 96 m. @ Level V 1 Prior Violent Felony 48 m. to 96 m. @ Level V 2 or more Prior Violent Felonies 60 m. to 120 m. @ Level V Excessive Cruelty 60 m. to 120 m. @ Level V</p>
11-1253	<p><u>Escape After Conviction</u> Any sentence imposed shall not run concurrently with any other sentence.</p>
11-1312	<p><u>Stalking w/ Deadly Weapon</u></p> <ul style="list-style-type: none"> (6) If act(s) has been previously prohibited by court order or sentence, minimum mandatory sentence = 6 m. at Level V; the first 6 m. of sentence shall not be subject to suspension (7) If convicted of stalking w/in 5 yrs of prior stalking conviction, minimum mandatory sentence = 1 yr at Level V; the first year of sentence shall not be subject to suspension
16-4751(a)	<p><u>Manufacture/Delivery/PWI Schedule I,II Narcotic</u></p> <ul style="list-style-type: none"> Maximum Fine= \$50,000 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. 16-4763(a)(1) If previous conviction under §§4751,4752,4753A or 4761,(c) the maximum imprisonment is 5 yrs or (d): if heroin or heroin mixture, the maximum penalty is increased to 10 years. 16-4763(a)(2) If previous conviction under §§4751,4752,4753A or 4761, (a) the mandatory minimum imprisonment is 3 yrs or (b): if heroin or heroin mixture, the minimum penalty is increased to 5 yrs. 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV Title 21, §4177K: Mandatory 3 yr. driver's license revocation

<p>16-4761(a)(1)</p>	<p><u>Distribution of Schedule I or II Narcotic to u/21 y.o.a.</u></p> <ul style="list-style-type: none"> • (a)(3) If the recipient of the controlled substance/counterfeit is under <u>16 y.o.a.</u>, the mandatory minimum sentence = 1 yr. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • (a)(3) If the recipient of the controlled substance/counterfeit is under <u>14 y.o.a.</u>, the mandatory minimum sentence = 2 yrs. At Level V; which minimum sentence shall not be subject to suspension, probation or parole • If the Defendant is over 18 y.o.a. and uses, solicits, directs, hires or employs a person under 18 y.o.a. to commit violation of subchapter IV or V, the maximum sentence consists of 10 years at Level V and a \$250,000 fine. • 16-4763(a)(1)(f) If previous conviction under §§4751,4752,4753A or 4761, the maximum penalty is increased to 17 yrs • 16-4763(a)(2)(d) If previous conviction under §§4751,4752,4753A or 4761, mandatory minimum imprisonment is 10 yrs • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
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Class C Felony (Nonviolent)

II.) (FCN)

Sentence Range (Nonviolent Category) FCN	
Statutory Range	0 to 15 years @ Level V
Presumptive Sentence	Up to 1 yr @ Level V
Acceptance of Responsibility	Up to 9 months @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category

11-503	<u>Criminal Solicitation 1st Degree</u> Solicit to commit Class A Felony + Solicited <18 & D>18/Solicited<15 & D= 3+ yrs older
11-841(3)(b)	Theft (> \$100,000) (see note)
11-907B(b)	Criminal Impersonation of a Police Officer w/Injury or Felonies (see note)
11-913A(c)(3)	Health Care Fraud (Intended loss>\$100,000/Provider)(see note)
11-917(d)(3)	New Home Construction Fraud (Loss >\$100,000)
11-1458	Removing Firearm from a Law Enforcement Officer
16-2513(b)	Conceal/Destroy/Falsify/Forge Document Which Results in False Authorization of Maintenance Medical Treatment for Life Prolongation
16-4761A(a)(1)	Purchase Drugs from Minor (Schedule I,II/Narcotic)(see note)
31-1003	Benefit by False Representation >\$10,000 (see note)
31-1004(2)	Falsify Reimbursement Report >\$10,000 (see note)
31-1006	Unlawful Conversion of Benefits >\$10,000 (see note)

Sentences For Prior Criminal History Categories	
Repetitive Criminal History	Up to 24 months @ Level V
Lack of amenability to lesser sanctions	Up to 24 months @ Level V

Supplemental Notations for Class C Nonviolent Felonies

If crime is a secondary offense, use non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
11-616(c)(3) Gang Participation: Conviction for a Class C Felony as a result of gang participation shall be sentenced as a Class B Felony under Title 11, §4205.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-841(3)(b)	<u>Theft (>\$100,000)</u> 841(d): Full restitution required for victim's monetary losses. Consider community service &/or curfew for a juvenile defendant.
11-907B(b)	<u>Criminal Impersonation of a Police Officer w/Injury or Felonies</u> During the commission of the offense: (1) causes injury to a nonparticipant or (2) commits a Class A or Class B Felony or any sexual offense as defined in Title 11, §761(d)
11-913A(c)(3)	<u>Health Care Fraud (Intended loss>\$100,000/Provider)</u> 913(c)(4): Fine may be up to 5x pecuniary benefit sought or obtained.
16-4761A(a)(1)	<u>Purchase Drugs from Minor (Schedule I,II/Narcotic)</u> <ul style="list-style-type: none"> • (a)(3)If the recipient of the narcotic/counterfeit is under 16 y.o.a., the mandatory minimum sentence = 1 yr. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • (a)(3)If the recipient of the narcotic/controlled substance/counterfeit is under 14 y.o.a., the mandatory minimum sentence = 2 yrs. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
31-1003 31-1004(2) 31-1006	<u>Benefit by False Representation</u> <u>Falsify Reimbursement Report</u> <u>Unlawful Conversion of Benefits</u> <ul style="list-style-type: none"> • 31-1007(d): Every provider convicted under this chapter shall make full restitution of money, goods or services or of the value of same plus interest at the rate of 1.5% per month for the period from the date upon which payment was made to the date upon which repayment is made to the State • 31-1007(e): Provider shall not be eligible for participation in Delaware Public Assistance Program, subject to certain exceptions.

Class D Felony (Violent)

I.) (FDV)

Sentence Range (Violent Category) FDV	
Statutory Range	0 to 8 years @ Level V
Presumptive Sentence	Up to 2 years @ Level V
Acceptance of Responsibility	Up to 18 months @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-612	<u>Assault 2nd Degree</u> (a)Intentionally: (1) Serious Injury/ (2)Injury w/DW/ (3) Injures LEO, FF, CO/ (4) Medical personnel/ (5) Vt>62/ (6)Assaults LEO w/spray/ (7)Uses spray commit crime/ Injures State Employee/ (9) Injures Pregnant Female/ (10) Injures Vt< 6 y.o.a. (a)Recklessly: (1) Serious Injury/ (2)Injury w/DW/ (5)Vt>62/ (9) Injures Pregnant Female/ (10) Injures Vt< 6 y.o.a.
11-769	<u>Unlawful Sexual Contact 1st Degree</u> Causing physical injury/using deadly weapon or threat of
11-777	<u>Bestiality</u>
11-779A(e)(2)	<u>Sex Offender Unlawful Sexual Conduct Against a Child (see note)</u>
11-802	<u>Arson 2nd Degree</u> Intentionally damage unoccupied bldg by fire/explosion
11-825	<u>Burglary 2nd Degree (see note)</u> (a)(1) Dwelling/ (a)(2) Bldg + (a) DW or (b) Injury to nonparticipant
11-835(b)(2)	<u>Carjacking 2nd Degree</u> (a)Risk of Death or Serious Injury/(b)Compels Lawful Occupant to Leave/(c) Reckless Operation
11-846	<u>Extortion (Vt>62 y.o.a.)</u>
11-1109	<u>Dealing in Child Pornography (see note)</u>
11-1250(c)	<u>Assault 1st Degree on Law Enforcement Animal</u> Intentionally or Recklessly causes Death or Serious Injury
11-1253	<u>Escape After Conviction (Special Escape Category May Apply)(see note)</u>
11-1254(a)	<u>Assault in Detention Facility: Injury (see note)</u>
11-1254(c)	<u>Assault in Detention Facility: Bodily Emissions (see note)</u>
11-1304(b)(3)	<u>Hate Crime (Underlying Offense: Class E Felony)</u>
11-1338	<u>Mfr/Transfer/Use/Poss/Transport Bomb/Incendiary Device/ Molotov Cocktail/Explosive (see note)</u>
11-1448(e)(1)	<u>Poss/Purchase Firearm/Destructive Weapon by Prohibited Person w/Prior Conviction of Violent Felony (see note)</u>
11-1448(e)(2)	<u>Poss/Purchase Firearm/Destructive Weapon by Prohibited Person w/Prior Conviction of Violent Felony (see note)</u>
11-1459	<u>Possession of a Firearm with Altered Serial Number</u>

11-3533	Aggravated Intimidation of Witness &/or Victim (see note)
16-1136(a)	Abuse/Neglect of Patient: Serious Injury
16-4752A	Delivery Noncontrolled Substance (see note)
31-3913(b)	Exploitation of Infirm Adult (\$10,000 - \$50,000)
31-3913(c)	Abuse of Infirm Adult: Bodily Harm

Sentences For Prior Criminal History Categories	
While on release or pending trial or sentencing	Up to 4 yrs @ Level V
Two or more prior felonies	Up to 4 yrs @ Level V
One Prior violent felony	Up to 4 yrs @ Level V
Two or more prior violent felonies	Up to 8 yrs @ Level
Excessive Cruelty	Up to 8 yrs @ Level V

Supplemental Notations for Class D Violent Felonies

If crime is a secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
11-616(c)(2) Gang Participation: Conviction for a Class D Felony as a result of gang participation shall be sentenced as a Class C Felony under Title 11, §4205.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-779A(e)(2)	<p>Sex Offender Unlawful Sexual Conduct Against a Child</p> <ul style="list-style-type: none"> (e)(2) If the underlying sexual offense is a Class C, D, E, F, or G felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony one grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony. 												
11-825	<p>Burglary 2nd Degree</p> <ul style="list-style-type: none"> Minimum Mandatory Sentences: (b)(1) 1 yr at Level V or (b)(2) 3 yrs at Level V if within 5 yrs of the date of a previous conviction for Burglary of the 1st or 2nd degree, or the date of release from said conviction. The provisions of §4215 (Previous Conviction Enhancement) shall not be applicable. (c) Sentencing provisions equally applicable to Attempt Minimum Presumptive Sentences: <table border="1"> <tr> <td>1st Conviction</td> <td>12 to 36 m @ Level V</td> </tr> <tr> <td>While on Release or pending Trial</td> <td>18 to 36 m @ Level V</td> </tr> <tr> <td>Two or more prior felonies</td> <td>36 to 72 m @ Level V</td> </tr> <tr> <td>One Prior Violent Felony</td> <td>36 to 72 m @ Level V</td> </tr> <tr> <td>Two or more prior violent felonies</td> <td>48 to 96 m @ Level V</td> </tr> <tr> <td>Excessive cruelty</td> <td>48 to 96 m @ Level V</td> </tr> </table>	1 st Conviction	12 to 36 m @ Level V	While on Release or pending Trial	18 to 36 m @ Level V	Two or more prior felonies	36 to 72 m @ Level V	One Prior Violent Felony	36 to 72 m @ Level V	Two or more prior violent felonies	48 to 96 m @ Level V	Excessive cruelty	48 to 96 m @ Level V
1 st Conviction	12 to 36 m @ Level V												
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One Prior Violent Felony	36 to 72 m @ Level V												
Two or more prior violent felonies	48 to 96 m @ Level V												
Excessive cruelty	48 to 96 m @ Level V												
11-1109	<p>Dealing in Child Pornography</p> <p>2nd or subsequent conviction shall be guilty of a Class B Felony (Title 11, §1110).</p>												
11-1253	<p>Escape After Conviction</p> <p>Any sentence imposed shall not run concurrently with any other sentence.</p>												

11-1254(a)	<p><u>Assault in Detention Facility: Injury</u></p> <ul style="list-style-type: none"> • Minimum Mandatory Sentence: 2 years at Level V to begin immediately upon sentencing. • Such sentence shall not be suspended nor shall the Defendant be eligible for parole or probation. Original sentence causing confinement temporarily suspended and continues only after the sentence for this conviction has been completed.
11-1254(c)	<p><u>Assault in Detention Facility: Bodily Emissions</u></p> <ul style="list-style-type: none"> • Minimum Mandatory Sentence: 1 yr at Level V to begin immediately upon sentencing. • Such sentence shall not be suspended nor shall the Defendant be eligible for parole or probation. • Original sentence causing confinement temporarily suspended and continues only after the sentence for this conviction has been completed. • The Defendant shall be tested for communicable diseases and the costs assessed as costs upon conviction. Results are to be communicated to the AG, the Victim, the Defendant and the medical care provider for D.O.C.
11-1338	<p><u>Mfr/Transfer/Use/Poss/Transport Bomb/Incendiary Device/ Molotov Cocktail/Explosive</u> Any person over 16 y.o.a. who violates this section shall be charged as an adult.</p>
11-1448(e)(1)	<p><u>Poss/Purchase Firearm/Destructive Device by Prohibited Person w/Prior Conviction of Violent Felony</u></p> <ul style="list-style-type: none"> • Mandatory Minimum Sentence- (e)(1): 1 yr at Level V if previously convicted of a violent felony or (e)(2): 3 yrs at Level V if offense occurs within 10 yrs of the conviction or incarceration for any violent felony, whichever is later or (e)(3): 5 yrs at Level V if the person has been convicted on 2 or more separate occasions of any violent felony. The provisions of §4215 (Previous Conviction Enhancement) shall not be applicable.
11-1448(e)(2)	<p><u>Poss/Purchase Firearm/Destructive Device by Prohibited Person w/Prior Conviction of Violent Felony</u></p> <ul style="list-style-type: none"> • Mandatory Minimum Sentence- (e)(2): a. 4 yrs at Level V; or b. 6 yrs at Level V, if the person causes such injury or death within 10 yrs of the date of conviction for any violent felony or the date of termination of all periods of incarceration or confinement imposed pursuant to said conviction, whichever is the later date; or c. 10 yrs at Level V, if the person has been convicted on 2 or more separate occasions of any violent felony.
11-3533	<p><u>Aggravated Intimidation of Witness &/or Victim</u> 11-3534: Sentencing provisions equally applicable to Attempt</p>

16-4752A	<p><u>Delivery Noncontrolled Substance</u></p> <ul style="list-style-type: none">• (c) Sentence is governed by the penalty for delivery of the substance which the defendant represented the noncontrolled substance to be. If no specific express or implied representation was made, the penalty shall be that for delivery of a nonnarcotic controlled substance. Section 4751(b) of Title 16 shall not apply• Minimum Fine= \$5,000, Maximum Fine= \$50,000• 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended.• 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V• 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV• 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
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Class D Felony (Nonviolent)

II.) (FDN)

Sentence Range (Nonviolent Category) FDN	
Statutory Range	0 to 8 years @ Level V
Presumptive Sentence	Up to 12 months @ Level II or III
Acceptance of Responsibility	Up to 9 months at Level II or III
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-850(b)(3)	Unlawful Telecommunication Device (>2 prior convictions/ 50+ devices)(see note)
11-854	Identity Theft (see note)
11-932	Unauthorized Computer Access (>\$10,000)(see note)
11-933	Theft Computer Services (>\$10,000) (see note)
11-934	Interruption Computer Services (>\$10,000)(see note)
11-935	Misuse Computer System Information (>\$10,000)(see note)
11-936	Destruction Computer Equipment (>\$10,000)(see note)
11-937	Unauthorized Electronic Mail (>\$10,000) (see note)
11-938	Fail to Cease Electronic Communication (>\$10,000) (see note)
11-939	Computer Offense Penalties (>\$10,000) (see note)
11-951	Money Laundering
11-1223	Perjury 1st Degree Material, False Testimony
11-1457(j)(3)	Poss. Weapon in Safe School/Recreation Zone (Underlying Offense: Class E Fel.) (see note)
11-1448	Poss/Purchase Firearm/Ammunition by Prohibited Person (see note)

Sentences For Prior Criminal History Categories	
Repetitive Criminal History	Up to 24 months @ Level V
Lack of amenability to lesser sanctions	Up to 24 months @ Level V

Supplemental Notations for Class D Nonviolent Felonies:

If crime is a secondary offense, use non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
11-616(c)(2) Gang Participation: Conviction for a Class D Felony as a result of gang participation shall be sentenced as a Class C Felony under Title 11, §4205.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-850(b)(3)	<p><u>Unlawful Telecommunication Device (>2 prior convictions/ 50+ devices)</u></p> <ul style="list-style-type: none"> • (b)(4) A prior conviction shall consist of convictions upon separate indictments or criminal complaints • (b)(7) All fines shall be imposed for each unlawful telecommunication or access device • (b)(8) Restitution shall be ordered in the manner prescribed by §4106 • (b)(9) The court may order forfeiture of unlawful device(s)
11-854	<p><u>Identity Theft</u> Restitution shall be ordered for monetary loss including documented loss of wages and reasonable attorney's fees</p>
11-932 11-933 11-934 11-935 11-936 11-937 11-938 11-939	<p><u>Unauthorized Computer Access</u> <u>Theft Computer Services</u> <u>Interruption Computer Services</u> <u>Misuse Computer System Information</u> <u>Destruction Computer Equipment</u> <u>Unauthorized Electronic Mail</u> <u>Fail to Cease Electronic Communication</u> <u>Computer Offense Penalties</u></p> <ul style="list-style-type: none"> • (f) In lieu of fine, Court may order Defendant to pay an amount up to double the proceeds from the offense. Record shall reflect findings as to the proceeds gained. • (g) Amounts may be aggregated to determine degree of crime. • (h) Value shall be (1) market value at time of offense or (2) cost of replacement. If value cannot be established, it shall be \$250 or (i) in the case of private personal data, \$500.
11-1448 11-1448(a)(5)	<p><u>Poss/Purchase Firearm/Ammunition by Prohibited Person</u></p> <ul style="list-style-type: none"> • Nonviolent classification only applies to Poss/Purchase <u>Firearm</u> if no prior violent felony conviction. If prior violent felony conviction, see p.39 for §1448(e). • (f)(1) Any juvenile 14 y.o.a or older convicted under (a)(5) shall for a 1st offense, receive a minimum sentence of 6 m. at Level V, or, for a 2nd or subsequent offense, 1 yr of Level V, which shall not be suspended. §§4205(b) and 4215 shall not be applicable to this subsection. • (g) In addition, said juvenile shall be ordered after a first conviction to view a film/slide presentation related to the damage and injury caused by a gun and must meet with a victim or family of a deceased victim of violent crime.
11-1457	<p><u>Poss. Weapon in Safe School/Recreation Zone (Underlying Offense: Class E Fel.)</u> (j)(4) An elementary or secondary school student shall be expelled for 180d.</p>

Class E Felony (Violent)

I.) (FEV)

Sentence Range (Violent Category): FEV	
Statutory Range	0 to 5 years @ Level V
Presumptive Sentence	Up to 15 m. @ Level V
Acceptance of Responsibility	Up to 11 months @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-513	<u>Conspiracy 1st Degree</u> Conspires to Commit Class A Felony
11-602(b)	<u>Aggravated Menacing (Display Deadly Weapon)</u>
11-604	<u>Reckless Endangering 1st Degree</u> Conduct likely to cause death
11-630A	<u>Vehicular Homicide 1st Degree (see note)</u> DUI & criminally negligent driving: death
11-631	<u>Criminally Negligent Homicide</u>
11-776	<u>Sexual Extortion</u>
11-779A(e)(2)	<u>Sex Offender Unlawful Sexual Conduct Against a Child (see note)</u>
11-787 (b)(1)(D), c	<u>Trafficking of persons and involuntary servitude (see note)</u>
11-831	<u>Robbery 2nd Degree</u> (a)Theft w/force to (1) overcome resistance/(2)compel owner's cooperation
11-835	<u>Carjacking 2nd Degree</u> Intentional Theft Occupied Motor Vehicle by Coercion/Duress
11-846	<u>Extortion</u>
11-1304(b)(3)	<u>Hate Crime (Underlying Offense: Class F Felony)</u>
11-1339	<u>Adulteration (Injury/Illness)</u>
11-1442	<u>Carrying Concealed Deadly Weapon (Prior conviction < 5 yrs)(see note)</u>
11-1444	<u>Possess Destructive Weapon (see note)</u>
11-1445(5)	<u>Unlawful Dealing with Dangerous Weapon</u> Enabling Felony/Class A Misdemeanor/Drug Crime
16-4751(b)	<u>Manufacture/Delivery/PWI of Sched. III,IV,V Narcotic (see note)</u>
16-4752(a)	<u>Manufacture/Delivery/PWI Nonnarcotic Controlled Substance (see note)</u>
16-4752(b)	<u>Dist/Sell/Prescribe Steroids/Counterfeit for Athletics (see note)</u>
16-4754A(d)	<u>Deliver/PWI Noncontrolled Prescription Drug (see note)</u>
16-4761(a)(2)	<u>Distribution Nonnarcotic Controlled Substance to u/21 y.o.a. (see note)</u>
16-4774(c)	<u>Delivery Drug Paraphernalia to Minor (see note)</u>
31-3913(b)	<u>Exploitation of Infirm Adult (>\$5,000/<\$10,000)</u>

Sentences For Prior Criminal History Categories	
While on release or pending trial or sentencing	Up to 30 m. @ Level V
Two or more prior felonies	Up to 30 m. @ Level V
One prior violent felony	Up to 30 m. @ Level V
Two or more prior violent felonies	Up to 5 yrs @ Level V

Supplemental Notations For Class E Violent Felonies:

If crime is a secondary offense, use non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
11-616(c)(3) Gang Participation: Conviction for a Class C Felony as a result of gang participation shall be sentenced as a Class B Felony under Title 11, §4205.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-630A	<p><u>Vehicular Homicide 1st Degree</u></p> <ul style="list-style-type: none"> (b) Minimum mandatory sentence = 2 years which shall not be subject to suspension, probation, parole, furlough, work release or supervised custody for the first 18 m. Every person >16 y.o.a., shall be treated as an adult, subject to reverse amenability provisions, except that mandatory minimum sentences in (b) shall not apply. Incarceration, if ordered, shall be initially served in juvenile facility until 18 y.o.a and then shall continue in an adult facility.
11-779A(e)(2)	<p><u>Sex Offender Unlawful Sexual Conduct Against a Child</u></p> <ul style="list-style-type: none"> (e)(2) If the underlying sexual offense is a Class C, D, E, F, or G felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony one grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony.
11-787 (b) (1) (D), c	<p><u>Trafficking of persons and involuntary servitude</u></p> <ul style="list-style-type: none"> (b)(1)(D) by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person which is a class E felony; (c) Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution, including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or of Title 19 of the Delaware Code, whichever is greater.
11-1442 11-1444	<p><u>Carrying Concealed Deadly Weapon (Prior conviction <5 yrs)</u> <u>Possess Destructive Weapon</u></p> <ul style="list-style-type: none"> 11-1457(b)(1&2)&(j)(3): If the violation occurs within a Safe School and Recreation Zone, the crime shall become a Class D Violent Felony. 11-1457(j)(4): If the Defendant is an elementary or secondary school student, in addition to other penalties, the student shall be expelled for not less than 180 d.

16-4751(b)	<p><u>Manufacture/Delivery/PWI of Sched. III,IV,V Narcotic</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$15,000 • 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. • 16-4763(a)(1) If previous conviction under §§4751,4752,4753A or 4761,(c) the maximum imprisonment is 5 yrs or (d): if heroin or heroin mixture, the maximum imprisonment is increased to 10 years. • 16-4763(a)(2) If previous conviction under §§4751,4752,4753A or 4761, (a) the mandatory minimum imprisonment is 3 yrs or (b): if heroin or heroin mixture, the minimum imprisonment is increased to 5 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
16-4752(a)	<p><u>Manufacture/Delivery/PWI Nonnarcotic Controlled Substance</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$10,000/ Maximum Imprisonment= 5 yrs • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (e)
16-4752(a) 16-4752(b)	<p><u>Manufacture/Delivery/PWI Nonnarcotic Controlled Substance</u> <u>Dist/Sell/Prescribe Steroids/Counterfeit for Athletics</u></p> <ul style="list-style-type: none"> • 16-4763(a)(1)(c) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is 5 yrs. • 16-4763(a)(2)(a) If previous conviction under §§4751,4752,4753A or 4761, mandatory minimum imprisonment is 3 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (e)
16-4754A(d)	<p><u>Deliver/PWI Noncontrolled Prescription Drug</u></p> <ul style="list-style-type: none"> • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V (continued) • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (e)

<p>16-4761(a)(2)</p>	<p><u>Distribution Nonnarcotic Controlled Substance to u/21 y.o.a.</u></p> <ul style="list-style-type: none"> • (a)(4) If the recipient of the nonnarcotic controlled substance/counterfeit is under <u>16 y.o.a.</u>, the mandatory minimum sentence = 6 m. at Level V; which minimum sentence shall not be subject to suspension, probation or parole. • If the recipient is under <u>14 y.o.a.</u>, the mandatory minimum sentence = 1 yr. at Level V; which minimum sentence shall not be subject to suspension, probation or parole. (continued) • (c) If the Defendant is over 18 y.o.a. and uses, solicits, directs, hires or employs a person under 18 y.o.a. to commit violation of subchapter IV or V, the maximum sentence consists of 10 years at Level V and a \$250,000 fine. • 16-4763(a)(1)(e) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is increased to 9 years • 16-4763(a)(2)(c) If previous conviction under §§4751,4752,4753A or 4761, the mandatory minimum imprisonment is 7 yrs • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
<p>16-4774(c)</p>	<p><u>Delivery Drug Paraphernalia to Minor</u></p> <p>16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV</p>

Class E Felony (Nonviolent)

II.) (FEN)

Sentence Range (Nonviolent Category) FEN	
Statutory Range	0 to 5 years @ Level V
Presumptive Sentence	Up to 12 m. @ Level II
Acceptance of Responsibility	Up to 9 months @ Level II
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-503	<u>Criminal Solicitation 1st Degree</u> Solicit to commit Class A Felony
11-780	<u>Female Genital Mutilation</u>
11-841B(c)	<u>Theft: Organized Retail Crime; class A misd; class E felony (see note)</u>
11-841(c)(3)(a)	<u>Theft (\$50,000-\$99,999)(see note)</u>
11-876	<u>Tamper w/ Public Record 1st Degree</u> With Intent to Defraud
11-907B	<u>Criminal Impersonation Police Officer</u>
11-913A(c)(2)	<u>Health Care Fraud (see note)</u> Intended loss= \$50,000-\$99,999/ Pattern of Claims When Offender is Provider
11-926(d)(3)	<u>Trademark Counterfeiting (2+Conv/Mfr/>1,000/>\$10,000+)</u> (7/7/05)
11-932	<u>Unauthorized Computer Access (\$5,000-\$9,999) (see note)</u>
11-933	<u>Theft Computer Services (\$5,000-\$9,999) (see note)</u>
11-934	<u>Interruption Computer Services (\$5,000-\$9,999) (see note)</u>
11-935	<u>Misuse Computer System Information (\$5,000-\$9,999) (see note)</u>
11-936	<u>Destruction Computer Equipment (\$5,000-\$9,999) (see note)</u>
11-937	<u>Unauthorized Electronic Mail (\$5,000-\$9,999) (see note)</u>
11-938	<u>Fail to Cease Electronic Communication (\$5,000-\$9,999) (see note)</u>
11-939	<u>Computer Offense Penalties (\$5,000-\$9,999) (see note)</u>
11-1100	<u>Dealing in Children</u>
11-1101	<u>Abandonment of Child (<than 14 yrs of age)</u>
11-1102(b)(1)	<u>Endanger Welfare of Child: Death</u>
11-1201	<u>Bribery of a Public Servant</u>
11-1203	<u>Receiving a Bribe by a Public Servant</u>
11-1239	<u>Wearing Disguise during Felony</u>
11-1248	<u>Obstruct Rabies Control during Emergency</u>
11-1261	<u>Bribery of a Witness</u>
11-1262	<u>Receiving a Bribe by a Witness</u>
11-1263	<u>Tamper with a Witness</u>

11-1263A(a)(2)	Interfere with Child Witness Fail to Produce
11-1263A(a)(3)(b)	Interfere with Child Witness Bribes Another: Fail to Produce
11-1263A(a)(4)(b)	Interfere with Child Witness Threaten Another: Fail to Produce
11-1264	Bribery of a Juror
11-1265	Receiving a Bribe by a Juror
11-1327(c)(1)	Dangerous Animal: Death of Person
11-1352	Promoting Prostitution 2nd Degree (1)Manages or Owns Business w/2+ prostitutes/ (2)Profits by prostitute < 18 y.o.a
11-1361	Providing Obscenity to Minor (see note)
11-1457(j)(3)	Possession Weapon in Safe School/Recreation Zone (Underlying Offense: Class F Felony) (see note)
11-3532	Intimidation of a Witness &/or Victim
16-4761A(a)(2)	Purchase Drugs from Minor (Controlled Substance/Nonnarcotic) (see note)
31-610(a)(1)	Transfer/Alter/Possess Food Stamps (\$500>) (see note)
31-1003	False Representation for Benefits (\$500-\$9,999) (see note)
31-1004(2)	Falsify Reimbursement Report (\$500-\$9,999) (see note)
31-1004(3)	Misrepresentation to Qualify as Provider (see note)
31-1004(4)	Misrepresentation as to Operation of Provider/Facility (see note)
31-1005	Kickback Schemes (see note)
31-1006	Unlawful Conversion of Benefits (\$500-\$9,999) (see note)

Sentences For Prior Criminal History Categories	
Repetitive Criminal History	Up to 15 m. @ Level V
Lack of amenability to lesser sanctions	Up to 15 m. @ Level V

Supplemental Notations for Class E Nonviolent Felonies:

If crime is a secondary offense, use non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
11-616(c)(3) Gang Participation: Conviction for a Class C Felony as a result of gang participation shall be sentenced as a Class B Felony under Title 11, §4205.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-841B(c)	Theft: Organized Retail Crime; class A misdemeanor; class E felony In addition to the provisions of Section 841(c) and (d) of this chapter, if a defendant has two or more times been convicted of Theft: Organized Retail Crime, the offense of Theft: Organized Retail Crime is a class E felony.
11-841(c)(3)(a)	Theft (\$50,000-\$99,999) Full restitution required for victim's monetary losses. Consider community service &/or curfew for a juvenile defendant.

11-913A(c)(2)	Health Care Fraud (c)(4): Fine may be up to 5x pecuniary benefit sought or obtained.
11-932 11-933 11-934 11-935 11-936 11-937 11-938 11-939	<u>Unauthorized Computer Access</u> <u>Theft Computer Services</u> <u>Interruption Computer Services</u> <u>Misuse Computer System Information</u> <u>Destruction Computer Equipment</u> <u>Unauthorized Electronic Mail</u> <u>Fail to Cease Electronic Communication</u> <u>Computer Offense Penalties</u> <ul style="list-style-type: none"> • (f) In lieu of fine, Court may order Defendant to pay an amount up to double the proceeds from the offense. Record shall reflect findings as to the proceeds gained. • (g) Amounts may be aggregated to determine degree of crime. • (h) Value shall be (1) market value at time of offense or (2) cost of replacement. If value cannot be established, it shall be \$250 or (i) in the case of private personal data, \$500.
11-1361	<u>Providing Obscenity to Minor</u> <ul style="list-style-type: none"> • If the obscenity involved live conduct, the business or establishment shall be closed for 6 m. • (c) Minimum mandatory sentence for 2nd or subsequent conviction within 5 yrs.: (1) \$5,000 fine (\$10,000 if the Defendant is an organization), (2) imprisonment for a minimum of 9 m. which shall not be suspended or reduced, (3) probation for 2 yrs. and (4) the establishment shall be closed for 2 yrs.
11-1457	<u>Possession Weapon in Safe School/Recreation Zone (Underlying Offense: Class F Felony) (j)(4)</u> An elementary or secondary school student shall be expelled for 180d.
16-4761A(a)(2)	<u>Purchase Drugs from Minor (Controlled Substance/Nonnarcotic)</u> <ul style="list-style-type: none"> • (a)(4) If the recipient of the nonnarcotic/counterfeit is under 16 y.o.a., the mandatory minimum sentence = 6 m. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • (a)(4) If the recipient of the nonnarcotic/counterfeit is under 14 y.o.a., the mandatory minimum sentence = 1 yrs. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
31-610(a)(1)	<u>Transfer/Alter/Possess Food Stamps (\$500>)</u> May be suspended from the Food Stamp Program for 18 months more than suspension mandated by the Federal Food Stamp Act
31-1003 31-1004(2) 31-1004(3) 31-1004(4) 31-1005 31-1006	<u>Benefit by False Representation</u> <u>Falsify Reimbursement Report</u> <u>Misrepresentation to Qualify as Provider</u> <u>Misrepresentation as to Operation of Provider/Facility</u> <u>Kickback Schemes</u> <u>Unlawful Conversion of Benefits</u> <ul style="list-style-type: none"> • 31-1007(d): Every provider convicted under this chapter shall make full restitution of money, goods or services or of the value of same plus interest at the rate of 1.5% per month for the period from the date upon which payment was made to the date upon which repayment is made to the State • 31-1007(e): Provider shall not be eligible for participation in Delaware Public Assistance Program, subject to certain exceptions.

Class F Felony (Violent)

I.) (FFV)

Sentence Range (Violent Category): FFV	
Statutory Range	0 to 3 years @ Level V
Presumptive Sentence	Up to 9 m. @ Level V
Acceptance of Responsibility	Up to 7 months at Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-617(b)(2)	Criminal Youth Gang: Recruitment/Retention:Violence or Threat (7/10/06)
11-629	Vehicular Assault 1st Degree DUI & criminally negligent driving: Serious Injury
11-630	Vehicular Homicide 2nd Degree (see note) (a)(1)Criminally negligent driving: death/ (2) DUI + Negligent driving: death
11-645	Promoting Suicide
11-768	Unlawful Sexual Contact 2nd Degree Vt<16 y.o.a.
11-779A(e)(2)	Sex Offender Unlawful Sexual Conduct Against a Child (see note)
11-787(b)(1)(E) c	Trafficking of persons and involuntary servitude (see note)
11-1256	Promoting Prison Contraband: Deadly Weapon, mobile phone, cellular phone or other prohibited electronic device
11-1302	Riot
11-1304(b)(3)	Hate Crime (Underlying Offense: Class G Felony)
11-1312	Stalking (see note) Causing Fear/Defendant=21+ y.o.a. & Vt= <14 y.o.a., def. viol. N.c. ord. w/vic, or vic >62, or thrt of death or serious phys. inj. to vic. or another person, serious phys. inj. to vic.

Sentences for Prior Criminal History Categories	
While on release or pending trial or sentencing	Up to 18 Months @ Level V
Two or more prior felonies	Up to 18 months @ Level V
One prior violent felony	Up to 18 Months @ Level V
Two or more prior violent felonies	Up to 36 Months @ Level V

Supplemental Notations for Class F Violent Felonies:

If crime is a secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-630	<u>Vehicular Homicide 2nd Degree</u> <ul style="list-style-type: none">• (b) Mandatory minimum sentence for violation of (a)(2) DUI: 1 yr. which shall not be subject to suspension, probation, parole, furlough, work release or supervised custody during the 1st year.• (c) Persons 16 y.o.a. or older, shall be treated as an adult except that mandatory minimum sentence shall not apply & any period of incarceration shall be served at a juvenile facility until 18 y.o.a. at which time the person shall be transferred to an adult facility to continue their sentence
11-779A(e)(2)	<u>Sex Offender Unlawful Sexual Conduct Against a Child</u> <ul style="list-style-type: none">• (e)(2) If the underlying sexual offense is a Class C, D, E, F, or G felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony one grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony.
11-787(b)(1)(E), c	<u>Trafficking of persons and involuntary servitude</u> <ul style="list-style-type: none">• (b)(1)(E) by using blackmail, or using or threatening to cause financial harm to, or by using financial control over any person which is a class F felony.• (c) Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution, including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) or of Title 19 of the Delaware Code, whichever is greater.
11-1312	<u>Stalking</u> <ul style="list-style-type: none">• (6) If act(s) has been previously prohibited by court order or sentence, minimum mandatory sentence = 6 m. at Level V; the first 6 m. of sentence shall not be subject to suspension• (7) If convicted of stalking w/in 5 yrs of prior stalking conviction, minimum mandatory sentence = 1 yr at Level V; the first year of sentence shall not be subject to suspension

Class F Felony (Nonviolent)

II.) (FFN)

Sentence Range (Nonviolent Category) FFN	
Statutory Range	0 to 3 years @ Level V
Presumptive Sentence	Up to 12 m. for Title 11 offenses; up to 18 months for Title 16 offenses @ Level II
Acceptance of Responsibility	Up to 9 months @ Level II for Title 11 offenses Up to 14 months @ Level II for Title 16 offenses
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-502	<u>Criminal Solicitation 2nd Degree</u> (see note) Solicit to commit Felony
11-621(a)(2)	<u>Terroristic Threat</u> (see note) False Stmt likely to: (a)evacuation/ (b)serious inconvenience/ (c)terror + School or Care Facility
11-621(a)(3)	<u>Terroristic Threat</u> (see note) Intent to Cause Belief of Substance Exposure: Death/Serious Injury
11-622	<u>Hoax Device</u>
11-651	<u>Abortion</u>
11-824	<u>Burglary 3rd Degree</u> (see note) Building
11-828	<u>Possess Burglary Tools</u>
11-840A	<u>Use of Illegitimate Sales Receipt/UPC Label (15+ Receipts/ UPC Labels/ \$1,500+)</u>
11-841(c)(2)	<u>Theft</u> (see note) \$1500+/vt= 62+ y.o.a./Infirm/Disabled
11-841C(b)	<u>Theft: Theft of a blank prescription form or pad</u>
11-850(b)(2)	<u>Unlawful Telecommunication Device (Previous Conviction/ 10-49 Devices)</u>
11-860	<u>Possess Shoplifters Tools</u>
11-861(b)(1)	<u>Forgery 1st Degree</u> (see note) Money/Stamps/Stocks/Bonds etc.
11-903	<u>Unlawful Use Credit Card</u> Vt= 62+ y.o.a & >\$1,500
11-917(d)(2)	<u>New Home Construction Fraud</u> Loss= \$50,000-\$99,999
11-922(c)	<u>Improper Labeling (PriorConv 100>)</u> (see note) (7/10/06)
11-932	<u>Unauthorized Computer Access (\$1,000-\$4,999)</u> (see note)
11-933	<u>Theft Computer Services (\$1,000-\$4,999)</u> (see note)
11-934	<u>Interruption Computer Services (\$1,000-\$4,999)</u> (see note)
11-935	<u>Misuse Computer System Information (\$1,000-\$4,999)</u> (see note)

11-936	Destruction Computer Equipment (\$1,000-\$4,999) (see note)
11-937	Unauthorized Electronic Mail (\$1,000-\$4,999) (see note)
11-938	Fail Cease Electronic Communication (\$1,000-\$4,999) (see note)
11-939	Computer Offense Penalties (\$1,000-\$4,999) (see note)
11-1101	Abandonment of Child (14 yrs of age or older)
11-1111	Possession of Child Pornography
11-1112(a)(2)	Sex Offender (Loiter w/in 500 ft School)
11-1222	Perjury 2nd Degree Written, Material False Stmt Intended to Mislead Public Servant
11-1263A(a)(1)	Interfere with Child Witness Complainant removed from jurisdiction
11-1263A(a)(3)(a)	Interfere with Child Witness Bribe to cause Complainant's removal from jurisdiction
11-1263A(a)(4)(a)	Interfere with Child Witness Threat to cause Complainant's removal from jurisdiction
11-1271A(b)(c)	Crim. Contempt Dom Violence Pro. Order (PFA) (see note)
11-1303(3)(b)	Disorderly Conduct: Funeral/Memorial Service (Prior Conv) (6/1/06)
11-1325	Cruelty to Animals (see note) Cruelly or Unnecessarily kills or seriously injures under (b)(4) or (5)
11-1326(a)	Fighting/Baiting Animals (see note)
11-1327(c)(2)	Dangerous Animal: Serious Injury to Person
11-1351	Promoting Prostitution 3rd Degree Profit from prostitution
11-1448	Poss/Purchase Deadly Weapon (Other than Destructive Weapon/ Firearm/Ammunition) by Prohibited Person (see note)
11-1450	Receiving Stolen Firearm
11-1451	Theft of firearm
11-1454	Giving Firearm to Person Prohibited
11-1455	Firearm Transaction on Behalf of Another (1st Offense)
11-1457(j)(3)	Possession Weapon in Safe School/Recreation Zone (Underlying Offense: Class G Felony) (see note)
16-4755(a)(1)	Illegal Distribution of Controlled Substance (see note)
16-4755(a)(2)	Unauthorized Manufacture/Distribution Controlled Substance (see note)
16-4755(a)(4)	Refusal to Allow Inspection (see note)
16-4755(a)(5)	Maintain Structure/Conveyance for Illegal Use/Delivery (see note)
16-4756	Obtain/Distribute Controlled Substance by Fraud/Theft (see note)

Standard Sentences for Prior Criminal History Categories

Repetitive criminal history	Up to 9 m. @ Level V
Lack of amenability at lesser sanctions	Up to 9 m. @ Level V

Supplemental Notations for Class F Nonviolent Felony:

If crime is a secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-502	<u>Criminal Solicitation 2nd Degree</u> Class F Felony unless the solicitor is 18 y.o.a. or older and the solicited is >18 y.o.a. or unless the solicitor is more than 3 yrs older than the solicited, who is less than 15 y.o.a. in which case, this crime is a Class D Felony.
11-621(a)(2)	<u>Terroristic Threat</u> <ul style="list-style-type: none"> • (c)(1) Mandatory fine: \$1,000-\$2,500 which cannot be suspended and a minimum of 100 hrs community service • If the defendant is 17 y.o.a. or > & it is a first offense = Class A Misd
11-621(a)(3)	<u>Terroristic Threat.</u> (d) Mandatory fine: \$2,000 which shall not be suspended
11-824	<u>Burglary 3rd Degree.</u> Presumptive sentences: First Conviction – Quasi Incarceration (Level IV) for 3 Mo. Repetitive Criminal History – Level V for 3 to 12 Mo. Lack of amenability to Lesser Sanction - Level V for 3 to 12 Mo.
11-841(c)(2)	<u>Theft.</u> Full restitution required for victim's monetary losses. Consider community service &/or curfew for a juvenile defendant.
11-850(b)(2)	<u>Unlawful Telecommunication Device</u> <ul style="list-style-type: none"> • (b)(4) A prior conviction shall consist of convictions upon separate indictments or criminal complaints (b)(7) All fines shall be imposed for each unlawful telecommunication or access device • (b)(8) Restitution shall be ordered in the manner prescribed by §4106 • (b)(9) The court may order forfeiture of unlawful device(s)
11-861	<u>Forgery 1st Degree.</u> (c) Restitution for resultant losses to all parties.
11-922(c)	<u>Improper Labeling (PriorConv 100 >)</u> 11-924A: Court must order the forfeiture & destruction or other disposition of (1) all articles on which the conviction is based and (2) all implements, devices, materials & equipment used or intended to be used in the mfr of the recordings on which the conviction is based.
11-932 11-933 11-934 11-935 11-936 11-937 11-938 11-939	<u>Unauthorized Computer Access</u> <u>Theft Computer Services</u> <u>Interruption Computer Services</u> <u>Misuse Computer System Information</u> <u>Destruction Computer Equipment</u> Unauthorized Electronic Mail <u>Fail to Cease Electronic Communication</u> <u>Computer Offense Penalties</u> <ul style="list-style-type: none"> • (f) In lieu of fine, Court may order Defendant to pay an amount up to double the proceeds from the offense. Record shall reflect findings as to the proceeds gained. • (g) Amounts may be aggregated to determine degree of crime. • (h) Value shall be (1) market value at time of offense or (2) cost of replacement. If value cannot be established, it shall be \$250 or (i) in the case of private personal data, \$500.
11-1271A(b)(c)	<u>Criminal Contempt of a Domestic Violence Protection Order (PFA)</u> <ul style="list-style-type: none"> • (b) Unless any of the elements set forth in subsection (c) of this section are met, in which case the offense shall be a class F felony. • (c) A person is guilty of felony criminal contempt of a domestic violence protection order if: <ol style="list-style-type: none"> 1. Such contempt resulted in physical injury; or 2. Such contempt involved use/threat use/weapon
11-1325	<u>Cruelty to Animals.</u> (d) The Defendant shall not own or possess any animal for 15 yrs following conviction (<i>but see</i> exceptions). Violation of this condition is punishable by a mandatory \$5,000 fine and forfeiture of the animal.

11-1326(a)	<p><u>Fighting/Baiting Animals</u></p> <ul style="list-style-type: none"> • (c) All animals, equipment, and money shall be forfeited to the State. Animals shall be humanely disposed of. • (e) The Defendant shall not own or possess any animal for 15 yrs following conviction.
11-1448 11-1448(a)(5)	<p><u>Poss/Purchase Deadly Weapon by Prohibited Person</u></p> <ul style="list-style-type: none"> • 11-1457(b)(4)&(j)(3): If the violation occurs within a Safe School and Recreation Zone, the crime shall become a Class E Felony. • 11-1457(j)(4): If the Defendant is an elementary or secondary school student, in addition to other penalties, the student shall be expelled for not less than 180 d. <p>See pg. 39, §1448(e) for Destructive Weapon/Firearm w/Prior Violent Felony Conviction See pg. 42, §1448 for Firearm/Ammunition (No prior violent felony conviction) Poss Destructive Weapon (No Prior Conviction) should be filed under §1338</p> <ul style="list-style-type: none"> • (f)(1) Any juvenile 14 y.o.a or older convicted under (a)(5) shall for a 1st offense, receive a minimum sentence of 6 m. at Level V, or, for a 2nd or subsequent offense, 1 yr of Level V, which shall not be suspended. §§4205(b) and 4215 shall not be applicable to this subsection. • (g) In addition, said juvenile shall be ordered after a first conviction to view a film/slide presentation related to the damage and injury caused by a gun and must meet with a victim or family of a deceased victim of violent crime.
11-1457	<p><u>Possession Weapon in Safe School/Recreation Zone (Underlying Offense: Class G Felony)</u></p> <p>(j)(4) An elementary or secondary school student shall be expelled for 180d.</p>
16-4755(a)(1), 16-4755(a)(2), 16-4755(a)(4), 16-4755(a)(5), 16-4756	<p><u>Illegal Distribution of Controlled Substance , Unauthorized Manufacture/Distribution Controlled Substance , Refusal to Allow Inspection Maintain Structure/Conveyance for Illegal Use/Delivery , Obtain/Distribute Controlled Substance by Fraud/Theft</u></p> <ul style="list-style-type: none"> • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration@Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)

Class G Felony (Violent)

I.) (FGV)

Sentence Range (Violent Category) FGV	
Statutory Range	0 to 2 years @ Level V
Presumptive Sentence	Up to 6 m. @ Level V For 16-4767 & 16-4768: 3 to 9 m. @ Level V
Acceptance of Responsibility	Up to 4 months @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-614	Abuse of Sports Official (Prior Conv)(see note)
11-617(b)(1)	Criminal Youth Gang: Recruitment (7/10/06)
11-779A(e)(2)	<u>Sex Offender Unlawful Sexual Conduct Against a Child (see note)</u>
11-782	<u>Unlawful Imprisonment 1st Degree</u> Risk of Serious Injury
11-1304(b)(2)	Hate Crime (Underlying Offense: Class A, B or C Misdemeanor)
11-1442	Carrying Concealed Deadly Weapon (Prior conviction >5 yrs)(see note)
11-1445(4)	Unlawfully Dealing with a Dangerous Weapon
16-1136(b)	Exploit Patient's Resources (\$1000+)
16-4761(c)	Hire Minor to Violate any Drug Provision (see note)
16-4767	Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 1000 ft School (see note)
16-4768	Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 300 ft Park/Worship (see note)
31-3913(b)	Exploitation of Infirm Adult (\$500- \$4,999)

Sentences for Prior Criminal History Categories	
While on release or pending trial or sentence	Up to 12 months @ Level V
Two or more prior felonies	Up to 12 months @ Level V
One prior violent felony	Up to 12 months @ Level V
Two or more prior violent felonies	Up to 24 months @ Level V

Supplemental Notations for Class G Violent Felony:

If crime is a secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All criminal fines require 18% surcharge for Victims fund
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-614	<u>Abuse of Sports Official (Prior Conv)</u> Mandatory Penalty: fine=>\$1,000/<\$2,350 & prohibition from participation/attending an organized sporting event for >3 m./<12 m.
11-779A(e)(1)	<u>Sex Offender Unlawful Sexual Conduct Against a Child</u> <ul style="list-style-type: none"> (e)(1) If the underlying sexual offense is a Class C, D, E, F, or G, felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony one grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony.
11-1442	<u>Carrying Concealed Deadly Weapon Prior conviction > 5 yrs)</u> <ul style="list-style-type: none"> 11-1457(b)(1)&(j)(3): If the violation occurs within a Safe School and Recreation Zone, the crime shall become a Class F Violent Felony. 11-1457(j)(4): If the Defendant is an elementary or secondary school student, in addition to other penalties, the student shall be expelled for not less than 180 d.
16-4761(c)	<u>Hire Minor to Violate any Drug Provision</u> <ul style="list-style-type: none"> Maximum Sentence: Imprisonment= 10 yrs., Fine= \$250,000 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
16-4767	<u>Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 1000 ft School</u> <ul style="list-style-type: none"> (a)(1) Narcotic: Maximum Penalty= 30 yrs imprisonment/ \$250,000 fine. (a)(2) Nonnarcotic: Maximum Penalty= 15 yrs imprisonment/\$250,000 fine. 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-4768	<u>Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 300 ft Park/Worship</u> <ul style="list-style-type: none"> Maximum Penalty: Imprisonment= 15 yrs/ Fine= \$250,000. 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV

Class G Felony (Nonviolent)

II.) (FGN)

Sentence Range (Nonviolent Category) FGN	
Statutory Range	0 to 2 years @ Level V
Presumptive Sentence	Up to 12 m. @ Level II
Acceptance of Responsibility	Up to 9 months @ Level II
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

11-512	Conspiracy 2nd Degree Conspires to commit Felony
11-621(a)(1)	Terroristic Threat (Vt= 62+ y.o.a.) (see note)
11-621(a)(2)	Terroristic Threat (see note) False Stmt likely to cause: (a) evacuation/ (b) serious inconvenience/ (c) terror
11-626	Unlawful Administration Controlled Substance/Narcotic
11-785	Interfere w/Custody Removal from State
11-801	Arson 3rd Degree Recklessly damage unoccupied bldg by fire/explosion
11-804	Reckless Burning (\$1500+ Damage)
11-811	Criminal Mischief (\$5000+ Loss/Substantial Interruption)
11-812(a)(2)	Graffiti and Possession of Graffiti Implements (\$1500+ damage)(see note)
11-840	Shoplift (\$1500+)
11-841	Theft (see note) \$1500+
11-841A	Theft: Motor Vehicle (6/20/06)
11-841C(a)	Possession of a blank prescription form or pad
11-848	Misapplication of Property (\$1500+)
11-849	Theft of Rental Property (\$1500+)
11-851	Receive Stolen Property (\$1500+/2 prior convictions)
11-852A	Selling Stolen Property; class G felony (see note)
11-859	Larceny of Livestock (see note)
11-861(b)(2)	Forgery 2nd Degree (see note) Deed/Will/Commercial Instrument/Public Record/Tokens/Prescriptions
11-862	Possess Forgery Devices
11-878	Issue False Certificate
11-900	Issue Bad Check (\$1500+)
11-903	Unlawful Use Credit Card Vt= 62+ y.o.a or >\$1,000
11-907A	Criminal Impersonation (Accident Related) (see note)

11-908	Unlawful Concealing Will
11-911	Fraudulent Conveyance of Public Lands
11-912	Fraudulent Receipt of Public Lands
11-913	Insurance Fraud
11-913A	Health Care Fraud (see note)
11-916	Home Improvement Fraud \$1500+ /vt=62+y.o.a./Prior Conviction
11-917(d)(1)	New Home Construction Fraud (\$1,500-\$49,999)
11-920	Transfer of Recorded Sounds
11-922(b)	Improper Labeling (1st Offense 100 >) (see note) (7/10/06)
11-926(d)(2)	Trademark Counterfeiting(PriorConv/100-999/\$2,000-\$9,999) (7/7/05)
11-932	Unauthorized Computer Access (\$500-\$999) (see note)
11-933	Theft Computer Services (\$500-\$999) (see note)
11-934	Interruption Computer Services (\$500-\$999) (see note)
11-935	Misuse Computer System Information (\$500-\$999) (see note)
11-936	Destruction Computer Equipment (\$500-\$999) (see note)
11-937	Unauthorized Electronic Mail (\$500-\$999) (see note)
11-938	Fail Cease Electronic Communication (\$500-\$999) (see note)
11-939	Computer Offense Penalties (\$500-\$999) (see note)
11-1001	Bigamy
11-1102(b)(2)	Endanger Welfare of Child: Serious Injury
11-1102(b)(3)	Endanger Welfare of Child: Sex Offense
11-1112(a)(1)	Sex Offender (Residing w/in 500 ft of School)
11-1113	Aggravated Criminal Non-Support (see note) Prior Conviction/ Delinquent as to Full Amt/ \$10,000+
11-1114A(c)	Tongue Splitting (Prior conviction)
11-1206	Receiving Unlawful Gratuity (value > \$1,000)
11-1240	Terroristic Threat to Public Officials/Servants
11-1244(b)	Hinder Prosecution of a Felony
11-1245	False Report Incident/Child Abduction (Prior Conv)(see note) (6/30/05)
11-1249	Abetting Driver's License Violation (Prior Conviction/Death)
11-1252	Escape 2nd Degree (Special Escape Category May Apply) Escape from detention facility or custody of DHSS or DOC
11-1257(a)	Resisting Arrest With Violence (6/27/06)
11-1257A	Use Animal to Avoid Capture Prevent Prosecution/Injures L.E.O
11-1259	Sexual Relations in Detention Facility
11-1260	Misuse of Prisoner Mail (Prior Conviction)
11-1263A(a)(1)	Interfere with Child Witness Removal from Jurisdiction
11-1263A(a)(3)(a)	Interfere with Child Witness Bribes to Cause Removal from Jurisdiction
11-1263A(a)(4)(a)	Interfere with Child Witness Threatens to Cause Removal from Jurisdiction
11-1269	Tampering with Physical Evidence
11-1312	Aggravated Harassment Only applies to offenses prior to 11/1/08; statute repealed, now only Harassment
11-1312	Stalking (see note)
11-1326(b)	Fighting/Baiting Animals (see note) Knowledge and Presence during Preparation
11-1335(a)(6)-(7)	Violation of Privacy Prurient Recording w/out Consent
11-1339	Adulteration

11-1361	Obscenity (see note)
11-1442	Carry Concealed Deadly Weapon (1 st conviction)
11-1446A	Undetectable Knives (Mfr/Import/Sell/Possess) (6/30/06)
11-1448A(l)	Firearm Sale Violation: False Statement/Information
11-1448A(m)	Firearm Sale Violation (Second Offense)
11-1472	Video Lottery Cheat Device (Prior Conviction w/in 3 yrs)(see note)
11-2109(c)(1)	Breach of Conditions of Bail (see note)
11-2113(c)(1)	Breach of Release Conditions (Felony/Prior Conviction Crime)(see note)
11-4120(k)	Sex Offender (Fail to Register)
11-4121(t)	Sex Offender (Fail to Comply with Registration Mandates)
11-8562(b)	Provide False Child Abuser Information
16-3111(a)	Crimes Regarding Vital Records (see note)
16-4757(d)	Deliver/Dispose Hypodermic Syringe (see note)
16-4771 (b)	Deliver/Mfr/PWI Drug Paraphernalia (see note)
16-4774(b)	Manufacture/Deliver/PWI Drug Paraphernalia (see note)

Sentences For Prior Criminal History Categories	
Repetitive Criminal History	Up to 6 m. @ Level V
Lack of Amenability to Lesser Sanctions	Up to 6 m. @ Level V

Supplemental Notations for Class G Nonviolent Felony:

If crime is a secondary offense, use the non-aggravated presumptive.
All sentences for over 1 yr @ Level V require 6 month reintegration at Levels IV (quasi-incarceration), III, or II.
All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-621(a)(1) 11-621(a)(2)	<u>Terroristic Threat (Vt= 62+ y.o.a.)</u> <u>Terroristic Threat</u> <ul style="list-style-type: none"> (c)(1) Mandatory fine: \$1,000-\$2,500 which cannot be suspended and a minimum of 100 hrs community service If the defendant is 17 y.o.a. or younger, the offense is a Class A Misdemeanor
11-812(a)(2)	<u>Graffiti and Possession of Graffiti Implements</u> The penalty for graffiti shall include a minimum fine of not less than \$1,000 which shall not be subject to suspension, restitution for damages to the property and 250 hours of community service, at least half of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of an act of graffiti.
11-841	<u>Theft.</u> (d): Full restitution required for victim's monetary losses. Consider community service &/or curfew for a juvenile defendant.
11-852A	<u>Selling Stolen Property:</u> value of the resold property is \$1,000 or more, or unless the seller has been convicted 2 or more times of Selling Stolen Property
11-859	<u>Larceny of Livestock.</u> Minimum sentence of imprisonment, if any, not subject to suspension,, probation or parole during 1 st 6 m.
11-861(b)(2)	<u>Forgery 2nd Degree.</u> (c) Restitution for resultant losses to all parties.
11-907A	<u>Criminal Impersonation (Accident Related).</u> (1) If Defendant pretended to be someone other than the driver, upon conviction, driving privileges are to be suspended by DMV for 2 yrs.

11-913A	<u>Health Care Fraud</u> 913(c)(4): Fine may be up to 5x pecuniary benefit sought or obtained.
11-922(b)	<u>Improper Labeling (1st Offense 100 >)</u> 11-924A: Court must order the forfeiture & destruction or other disposition of (1) all articles on which the conviction is based and (2) all implements, devices, materials & equipment used or intended to be used in the mfr of the recordings on which the conviction is based.
11-932 11-933 11-934 11-935 11-936 11-937 11-938 11-939	<u>Unauthorized Computer Access</u> <u>Theft Computer Services</u> <u>Interruption Computer Services</u> <u>Misuse Computer System Information</u> <u>Destruction Computer Equipment</u> <u>Unauthorized Electronic Mail</u> <u>Fail to Cease Electronic Communication</u> <u>Computer Offense Penalties</u> <ul style="list-style-type: none"> • (f) In lieu of fine, Court may order Defendant to pay an amount up to double the proceeds from the offense. Record shall reflect findings as to the proceeds gained. • (g) Amounts may be aggregated to determine degree of crime. • (h) Value shall be (1) market value at time of offense or (2) cost of replacement. If value cannot be established, it shall be \$250 or (i) in the case of private personal data, \$500.
11-1113	<u>Aggravated Criminal Non-Support</u> <ul style="list-style-type: none"> • (i) Court may ("shall" in the event support order entered) order any fine to be paid for the support of the entitled person • (j) Restitution shall be ordered in the amount of the total accrued arrearages
11-1245	<u>False Report Incident/Child Abduction (Prior Conviction)</u> Minimum Mandatory sentence: Fine= \$500 or for (3)(d): \$1,000, which cannot be suspended + 100 hrs community service + reimbursement to the State/government agency for costs of investigation and/or response
11-1312	<u>Stalking</u> <ul style="list-style-type: none"> • (6) If act or acts include conduct which has previously been prohibited by a then-existing court order or sentence shall receive a minimum sentence of 6 months incarceration at Level V which shall not be subject to suspension. • (7) Any person who is convicted of stalking within 5 years of a prior conviction of stalking shall receive a minimum sentence of 1 year incarceration at Level V which shall not be subject to suspension.
11-1326	<u>Fighting/Baiting Animals.</u> (c) All animals, equipment, devices, and money shall be forfeited to the State. Forfeited animals shall be disposed of humanely.
11-1361	<u>Obscenity</u> <ul style="list-style-type: none"> • If the obscenity involved live conduct, the business or establishment shall be closed for 6 m. • (c) Minimum mandatory sentence for 2nd or subsequent conviction within 5 yrs.: (1) \$5,000 fine (\$10,000 if the Defendant is an organization), (2) imprisonment for a minimum of 9 m. which shall not be suspended or reduced, (3) probation for 2 yrs. and (4) the establishment shall be closed for 2 yrs.
11-1442	<u>Carrying Concealed Deadly Weapon (1st conviction)</u> <ul style="list-style-type: none"> • 11-1457(b)(1)&(j)(3): If the violation occurs within a Safe School and Recreation Zone, the crime shall become a Class F NonViolent Felony. • 11-1457(j)(4): If the Defendant is an elementary or secondary school student, in addition to other penalties, the student shall be expelled for not less than 180 d.
11-1472	<u>Video Lottery Cheat Device</u> . Any instrumental materials shall be forfeited to the Delaware State Police, including but not limited to vehicles used for storage.

11-2109(c)(1)	<u>Breach of Conditions of Bail</u> Maximum Penalty: Imprisonment =<5yrs &/or Fine =<\$5,000
11-2113(c)(1)	<u>Breach of Release Conditions (Felony/Prior Conviction Crime)</u> . Maximum Penalty: Imprisonment= <5yrs &/or Fine= <\$5,000
16-3111(a)	<u>Crimes Regarding Vital Records.</u> Maximum Penalty: Imprisonment= 5 yrs or less; Fine= \$10,000
16-4757(d) 16-4774(b)	<u>Deliver/Dispose Hypodermic Syringe</u> <u>Manufacture/Deliver/PWI Drug Paraphernalia</u> 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-4771 (b) 16-4774 (b)	<u>Delivery/Mfr/PWI Drug Paraphernalia</u> Delivers, PWI to del, offers for sale, mfr wi to del

Class A Misdemeanors

I.) Violent (MA1)

Sentence Range (Violent Category) MA1	
Statutory Range	0 to 1 yr @ Level V and up to \$2,300 Fine
Presumptive Sentence	1st offense: Up to 12 m. @ Level II 2nd offense w/in 2 yrs: Up to 6 m. @ Level III & Up to 6 m. @ Level II 3rd offense w/in 5 yrs: Up to 3 m. @ Level V & Up to 9 m @ Level II
Acceptance of Responsibility	Up to 9 months @ Level II

Crimes in Category

11-603	Reckless Endangering 2nd Degree (Special DV Category May Apply) Refer to Pg. 105
11-611	Assault 3rd Degree (Special DV Category May Apply) Refer to Pg. 105
11-614	Abuse of Sports Official (1st Offense) Refer to Pg. 105
11-621(a)(1)	Terroristic Threatening (Special DV Category May Apply) Refer to Pg. 105
11-766	Incest (Special DV Category May Apply) Refer to Pg. 105
11-767	Unlawful Sexual Contact 3rd Degree (Special DV Category May Apply) Refer to Pg. 105
11-779A(e)(1)	Sex Offender Unlawful Sexual Conduct Against a Child (see note)
11-1250(b)	Assault 2d Degree Against Law enforcement Animal Reckless: Risk of injury
11-1271A	Criminal Contempt: DV Protective Order (Special DV Category May Apply) (see note) Refer to Pg. 105
11-1304(b)(1)	Hate Crime (Underlying Offense: Violation or Unclassified Misdemeanor)
11-1443	Carrying Concealed Dangerous Instrument
16-1136(a)	Abuse/Neglect of Patient in Residential Facility
31-3913(a)	Abuse/Neglect of Infirm Adult

Supplemental Notations Violent Class A Misdemeanors:

All Criminal fines require 18% surcharge for Victims fund.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-779A(e)(1)	Sex Offender Unlawful Sexual Conduct Against a Child <ul style="list-style-type: none"> (e)(1) If the underlying sexual offense is a misdemeanor, the crime of sex offender sexual conduct against a child shall be a class G felony except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class c felony.
11-1271A	Criminal Contempt of a Dom Viol Protection Order, Class A Misd, Class F felony <ul style="list-style-type: none"> (c) Mandatory minimum sentence of 15 days imprisonment if contempt resulted in: (1) injury, (2) threat of Deadly Weapon or (3) 2 prior convictions this section (d) Minimum sentence shall not be subject to suspension, probation, parole, furlough, or suspended custody

Class A Misdemeanors

II.) Escape (MA2)

Sentence Range (Escape Category) MA2	
Statutory Sentence	0 to 1 yr @ Level V and up to \$2,300 fine
Presumptive Sentence	Up to 3 m. in quasi-incarceration (Level IV) Recommended Maximum: Up to 1 m. @ Level V
Acceptance of Responsibility	Up to 2 months @ Level IV

Crimes in Category

11-1251	Escape 3rd Degree (Special Escape Category May Apply) Escape from custody including nonsecure facilities of DYRS
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Supplemental Notations for Class A Misdemeanors (Escape):

All Criminal fines require 18% surcharge for Victims fund.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

Class A Misdemeanors

III.) Property (MA3)

Sentence Range (Property Category) MA3	
Statutory Sentence	0 to 1 yr @ Level V and up to \$2,300 fine
Presumptive Sentence	1st Offense: Up to 12 m. @ Level I 2nd w/in 18 m: Up to 6 m. @ Level II 3rd w/in 3 yrs: Up to 3 m. @ Level IV (quasi-incarceration) & 0 to 9m. @ Level II Recommended Maximum: 15 days @ Level V
Acceptance of Responsibility	Up to 9 months @ Level I

Crimes in Category

11-804	Reckless Burning/Exploding (< \$1500)
11-805	Cross or Religious Symbol Burning
11-811(b)(2)	Criminal Mischief (>\$1000-<\$5000)
11-812(a)(2)	Graffiti and Possession of Graffiti Implements (<\$1500 damage)(see note)
11-823	<u>Criminal Trespass 1st Degree</u> Dwelling/Animal Shelter, i.e. barn, stable
11-840	Shoplifting (<\$1500)
11-840A	Use of Illegitimate Sales Receipt/UPC Label (<1500)
11-841	Theft (<\$1500) (see note)
11-841B	Theft: Organized Retail Crime (V<62, not infirm, value < \$1,000)
11-848	Misapplication of Property (< \$1500)
11-849	Theft of Rental Property (< \$1500)
11-851	Receiving Stolen Property (< \$1500)
11-852A	Selling Stolen Property (<\$1000)
11-853	Unauthorized Use of a Vehicle
11-858(a)(2)	Unlawful Operation Recording Device (Motion Picture) (see note) (6/28/06)
11-861(b)(3)	Forgery 3rd Degree (see note)
11-891	Defrauding Secured Creditors
11-892	Fraud in Insolvency
11-900	Issue Bad Check (< \$1500)
11-903	Unlawful Use Credit Card (< \$1500)
11-906	Deceptive Business Practices
11-916	Home Improvement Fraud (< \$1500)
11-917(d)	New Home Construction Fraud (<\$1,500)
11-918	Ticket Scalping (Prior Conviction)
11-926(d)(1)	Trademark Counterfeiting (No priors/<100 items/<\$2,000) (7/7/05)
11-932	Unauthorized Computer Access (<\$500) (see note)
11-933	Theft Computer Services (<\$500) (see note)
11-934	Interruption Computer Services (<\$500) (see note)
11-935	Misuse Computer System Information (<\$500) (see note)
11-936	Destruction Computer Equipment (<\$500) (see note)
11-937	Unauthorized Electronic Mail (<\$500) (see note)
11-938	Fail Cease Electronic Communication (<\$500) (see note)
11-939	Computer Offenses Penalties (<\$500) (see note)
11-1472	Video Lottery Cheat Device
16-1136(b)	Exploit Patient's Resources (<\$1000)
31-1003	False Statement to Obtain Benefits (<\$500) (see note)
31-1004(1)	False Benefit Reimbursement Statement (<\$500) (see note)

31-1006	Unlawful Conversion of Benefits (<\$500) (see note)
31-3913(b)	Exploitation of Infirm Adult (<\$500)

Supplemental Notations for Class A Misdemeanors: Property

All Criminal fines require 18% surcharge for Victims fund.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-812(a)(2)	<p><u>Graffiti and Possession of Graffiti implements</u></p> <p>The penalty for graffiti shall include a minimum fine of not less than \$1,000 which shall not be subject to suspension, restitution for damages to the property and 250 hours of community service, at least half of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of an act of graffiti.</p>
11-841	<p><u>Theft.</u> (d): Full restitution required for victim's monetary losses. Consider community service &/or curfew for a juvenile defendant.</p>
11-858(a)(2)	<p><u>Unlawful Operation Recording Device (Motion Picture)</u></p> <p>Notwithstanding any law to the contrary, may include a max. fine of \$50,000</p>
11-861(b)(3)	<p><u>Forgery 3rd Degree.</u> (c) Restitution for resultant losses to all parties.</p>
11-932 11-933 11-934 11-935 11-936 11-937 11-938 11-939	<p><u>Unauthorized Computer Access</u></p> <p><u>Theft Computer Services</u></p> <p><u>Interruption Computer Services</u></p> <p><u>Misuse Computer System Information</u></p> <p><u>Destruction Computer Equipment</u></p> <p><u>Unauthorized Electronic Mail</u></p> <p><u>Fail to Cease Electronic Communication</u></p> <p><u>Computer Offense Penalties</u></p> <ul style="list-style-type: none"> • (f) In lieu of fine, Court may order Defendant to pay an amount up to double the proceeds from the offense. Record shall reflect findings as to the proceeds gained. • (g) Amounts may be aggregated to determine degree of crime. • (h) Value shall be (1) market value at time of offense or (2) cost of replacement. If value cannot be established, it shall be \$250 or (i) in the case of private personal data, \$500.
31-1003 31-1004(1) 31-1006	<p><u>False Statement to Obtain Benefits</u></p> <p><u>False Benefit Reimbursement Statement</u></p> <p><u>Unlawful Conversion of Benefits</u></p> <ul style="list-style-type: none"> • 31-1007(d): Every provider convicted under this chapter shall make full restitution of money, goods or services or of the value of same plus interest at the rate of 1.5% per month for the period from the date upon which payment was made to the date upon which repayment is made to the State • 31-1007(e): Provider shall not be eligible for participation in Delaware Public Assistance Program, subject to certain exceptions.

Class A Misdemeanors

IV.) Order & Decency (MA4)

Sentence Range (Order & Decency Category) MA4	
Statutory Sentence	0 to 1 yr @ Level V and up to \$2,300 fine
Presumptive Sentence	1st Offense: Up to 12 m. @ Level I 2nd w/in 18 m.: Up to 12m. @ Level II 3rd w/in 3 yrs.: Up to 6m. @ Level III & 0 to 6m. @ Level II Recommended Maximum Up to 15d. @ Level V
Acceptance of Responsibility	Up to 9 months @ Level I
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category

11-501	Criminal Solicitation 3rd Degree Solicit to commit misdemeanor
11-511	Conspiracy 3rd Degree Conspires to commit misdemeanor
11-601(a)(1)	Offensive Touching Vt= LEO, FF, CO, Medical personnel
11-601(a)(2)	Offensive Touching (see note) Bodily Emissions
11-625	Unlawfully Administer Drugs
11-652	Self Abortion
11-765	Indecent Exposure 1st Degree Vt= <16 y.o.a.
11-781	Unlawful Imprisonment 2nd Degree (Special DV Category May Apply) Knowingly restrain Refer to Pg. 105
11-785	Interference with Custody (Special DV Category May Apply) Refer to Pg. 105
11-791	Coercion (Special DV Category May Apply)
11-871	Falsifying Business Records
11-873	Tampering w/ Public Records 2nd Degree
11-877	Offering False Instrument for Filing
11-881	Bribery
11-882	Receiving a Bribe
11-893	Interference Levied-Upon Property
11-907	Criminal Impersonation
11-909	Execution of Document by Deception
11-918	Ticket Scalping
11-921	Sale Transferred Recorded Sound
11-1102	Endanger Welfare of Child (Special DV Category May Apply) Refer to Pg. 105
11-1105	Endanger Welfare of Incompetent

11-1113(a)	Aggravated Criminal Non-support (Prior Conviction) (see note)
11-1114	Body Piercing & Tattoos (Prior Conviction)
11-1114A(a)	Tongue Splitting 1st Degree
11-1205	Give Unlawful Gratuity
11-1206	Receive Unlawful Gratuity (value < \$1,000)
11-1207	Improper Influence
11-1211	Official Misconduct
11-1212	Profiteering
11-1221	Perjury 3rd Degree False statement under oath
11-1233	Make False Written Statement
11-1243	Obstructing Firefighting
11-1244	Hinder Prosecution of Misdemeanor
11-1245	False Report Incident/Child Abduction (see note) (6/30/05)
11-1246	Compound a Crime
11-1249	Abetting Violation of Driver's License
11-1256	Promote Prison Contraband
11-1257(b)	Resist Arrest Without Violence
11-1257A	Use of Animal to Avoid Capture
11-1260	Misuse of Prisoner Mail
11-1266	Tampering w/Juror
11-1267	Misconduct by Juror
11-1271(2-8)	Criminal Contempt (2)Breach of peace/ (3) Intentional disobedience/ (4)Refusal of Oath/to Answer/ (5)Publish false proceedings/ (6)Refuse Jury Service/ (7)Juror fail to attend trial/ (8)Defendant's failure to appear for criminal proceedings
11-1303(3)(a)	Disorderly Conduct: y/Funeral/Memorial Service (6/1/06)
11-1311	Harassment
11-1325	Cruelty to Animals (see note)
11-1325A(b)	Trade in Dog/Cat By-Products (Flesh) (see note)
11-1327	Dangerous Animal Injury to Person/Serious Injury or Death Animal
11-1331	Desecration
11-1332	Abusing a Corpse
11-1335(a)(1-5, 8)	Violation of Privacy (6/30/06) (1)Trespass to eavesdrop/ (2) Installs recording device in private place/ (3)Installs/uses recording device outside private place/ (4) Intercepts/ (5) Divulges private communication/ (8) Installs in MV electronic/mechanical tracking device
11-1340	Desecration of Burial Place (see note)
11-1365	Obscene Literature Harmful to Minors
11-1401	Advancing Gambling 2nd Degree Unlawful(ly) (1)Sell/dispose/PWI lottery policy or similar/ (2)Device to do same/ (3)Interest in lottery policy writing or in selling/disposing policy or similar/ (4)Device to do same
11-1402	Foreign Lotteries
11-1403	Advancing Gambling 1st Degree Unlawful(ly) (1)Keeping "books"/ (2)Owner/occupant property for purpose of bookkeeping/ (3)Recording bets/ (4)Place bets
11-1404	Providing Premises for Gambling (Prior Conviction w/in 5 yrs)
11-1405	Possession Gambling Device
11-1406	Interest in Keeping Gambling Device
11-1411	Unlawful Dissemination Gambling Information
11-1428	Maintaining an Obstruction (Prior Conviction w/in 2 yrs)
11-1448A(k)	Improper Request/Dissemination Criminal History Check
11-1448A(m)	Firearm Sale Violation

11-1456	Allow Unlawful Access to Firearm by Minor
11-1457(j)(1)	Possession Weapon in Safe School/Recreation Zone (Underlying Offense: Class B Misdemeanor) (see note)
11-8522	Refusal to Permit Photo or Fingerprints
11-8523(a)	Refusal/Neglect/Hinder Report
11-8523(d)	Unlawful Use of Criminal History Record Information
11-8562(a)	Fail to Obtain Child Sex Abuser Information
16-1136(c)	Fail to Correct Abuse/Neglect of Patient in Residential Facility
31-610(a)(2)	Transfer/Alter/Possess Food Stamps (<\$500) (see note)

Supplemental Notations for Class A Misdemeanors (Order & Decency):

All Criminal fines require 18% surcharge for Victims fund.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-601(a)(2)	Offensive Touching (b) The Defendant shall be tested for communicable diseases, the costs of which are to be assessed as costs of conviction. The results are to be provided to the AG, the victim, the Defendant and the D.O.C. medical provider
11-1113(a)	Aggravated Criminal Non-support (Prior Conviction) <ul style="list-style-type: none"> • (i) Court may ("shall" in the event support order entered) order any fine to be paid for the support of the entitled person • (j) Restitution shall be ordered in the amount of the total accrued arrearages
11-1245	False Report Incident/Child Abduction Minimum Mandatory sentence: Fine= \$500 or for (3)(d): \$1,000, which cannot be suspended + 100 hrs community service + reimbursement to the State/government agency for costs of investigation and/or response
11-1325	Cruelty to Animals. (c) The Defendant shall not own or possess any animal for 5 yrs following conviction (<i>but see</i> exceptions). Violation of this condition is punishable by a mandatory \$1,000 fine and forfeiture of the animal.
11-1325A	Trade in Dog/Cat By-Products. (c) Defendant shall: (1) be prohibited from possessing dog/cat for 15 yrs after conviction (but see exceptions),(2) pay a fine of \$2,500 and (3) forfeit any dog/cat.
11-1340	Desecration of Burial Place. Mandatory Minimum Fine= >\$1,000 up to \$10,000.
11-1457	Possession Weapon in Safe School/Recreation Zone (Underlying Offense: Class B Misdemeanor). (j)(4) An elementary or secondary school student shall be expelled for 180d.
31-610(a)(2)	Transfer/Alter/Possess Food Stamps (<\$500) May be suspended from the Food Stamp Program for 18 months more than suspension mandated by the Federal Food Stamp Act

Class A Misdemeanors

V.) Controlled Substances (MA5)

Sentence Range (Controlled Substance Category) MA5	
Statutory Sentence	0 to 1 yr @ Level V and up to \$2,300 fine
Presumptive Sentence	1st Offense w/16-4764 First Offender Program: Minimum 12 m. @ Level I <i>(7/12/05)</i> 1st Offense: 12 m. @ Level II 2nd Offense w/in 2 Years: 6 m. @ Level III & 6m. @ Level II 3rd Offense w/in 3 Years: 6 m. @ Level V
Acceptance of Responsibility	Up to 9 months @ Level II

Crimes in Category

16-4740	Sale of Pseudoephedrine/Ephedrine <i>(6/14/05)</i>
16-4753	Possess/Use/Consumption Narcotic/Counterfeit w/out Rx (see note)
16-4755(a)(3)	Refuse/Fail to Make/Keep/Furnish Required Record (see note)
16-4758	Keeping Drugs in Original Container (see note)
16-4774(a)	Possession of Drug Paraphernalia (see note)

Supplemental Notations for Class A Misdemeanors (Controlled Substances):

All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Any violations of Title 16, §§4751-4761: 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V
Any offenses under Title 16, Chapter 47: 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
Costs of prosecution may be ordered. (Title 11, §4204(i))

16-4753	Possess/Use/Consumption Narcotic/Counterfeit w/out Rx <ul style="list-style-type: none"> • May qualify for First Offender Diversion Program (see §4764 for details)
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Class B Misdemeanors

Sentence Range (Class B Misdemeanors) MB	
Statutory Sentence	0 to 6m. @ Level V and up to \$1,150 fine
Presumptive Sentence	1st &/or 2nd offense: Fine, Costs, Restitution Only 3rd Offense w/in 2 yrs: up to 6m. @ Level I or II

Crimes in Category

11-628	<u>Vehicular Assault 2nd Degree</u> (see note) (1)Criminal negligence: serious injury/ (2) DUI: injury
11-653	<u>Issuing Abortion Articles</u>
11-812(b)(1)	<u>Possession of Graffiti Implements</u> (see note)
11-820	<u>Trespass with Intent to Peep</u>
11-858(a)(2)	<u>Unlawful Operation Recording Device</u> (Still Photograph) (6/28/06)
11-910	<u>Debt Adjusting</u>
11-918	<u>Ticket Scalping</u>
11-1106	<u>Unlawful Dealing with Child</u>
11-1113(a)	<u>Criminal Non-support</u> (see note)
11-1114	<u>Body Piercing & Tattoos</u>
11-1114A(b)	<u>Tongue Splitting 2nd Degree</u> Performed by doctor/dentist and recipient is: (1)under the influence/ (2)minor w/out legal guardian's consent
11-1241	<u>Refusing to Aid Police Officer</u>
11-1248	<u>Obstructing Control of Rabies</u>
11-1271(1)	<u>Criminal Contempt</u> Disorderly Behavior
11-1273	<u>Unlawful Grand Jury Disclosure</u>
11-1313	<u>Malicious Interference with Emergency Communications</u>
11-1325A(a)	<u>Trade in Dog/Cat Byproducts</u> (Fur/Hair)
11-1333	<u>Trading in Human Remains/Funerary Objects</u>
11-1341	<u>Lewdness</u>
11-1342	<u>Prostitution</u>
11-1355	<u>Permitting Prostitution</u>
11-1452	<u>Unlawful Dealing with Knuckles-Combination Knife</u> (see note)
11-1453	<u>Unlawful Dealing with Martial Arts Throwing Star</u> (see note)
11-1457(j)(2)	<u>Poss. Weapon in Safe School/Recreation Zone</u> (Underlying Offense: Unclassified Misdemeanor) (see note)
16-4754	<u>Possess/Use/Consume Controlled Substance</u> (Nonnarcotic) (see note)
16-4754A	<u>Possession of Noncontrolled Prescription Drug</u> (see note)

Supplemental Notations Class B Misdemeanors:

All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-628	<u>Vehicular Assault 2nd Degree</u>			
	<table border="1"> <tr> <td>Statutory Sentence</td> <td>Up to 6m.; Fine up to \$1,150.</td> </tr> <tr> <td>Presumptive Sentence</td> <td>1st Offense: Up to 2m. @ Level V 2nd Offense w/in 2 yrs: Up to 4m. 3rd Offense w/in 5 yrs: Up to 6m.</td> </tr> </table>	Statutory Sentence	Up to 6m.; Fine up to \$1,150.	Presumptive Sentence
Statutory Sentence	Up to 6m.; Fine up to \$1,150.			
Presumptive Sentence	1 st Offense: Up to 2m. @ Level V 2 nd Offense w/in 2 yrs: Up to 4m. 3 rd Offense w/in 5 yrs: Up to 6m.			
11-812 (b)(1)	<u>Possession of Graffiti Implements</u> Min. fine of not less than \$500 which shall not be subject to suspension, restitution for damages to property and 100 hours of community service, at least half of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of possession of graffiti implements.			
11-1113	<u>Criminal Non-support</u> <ul style="list-style-type: none"> • (i) Court may ("shall" in the event support order entered) order any fine to be paid for the support of the entitled person • (j) Restitution shall be ordered in the amount of the total accrued arrearages 			
11-1452 11-1453	<u>Unlawful Dealing with Knuckles-Combination Knife</u> <u>Unlawful Dealing with Martial Arts Throwing Star</u> <ul style="list-style-type: none"> • 11-1457(b)(5&6)&(j)(1): If the violation occurs within a Safe School and Recreation Zone, the crime shall become a Class A Misdemeanor. • 11-1457(j)(4): If the Defendant is an elementary or secondary school student, in addition to other penalties, the student shall be expelled for not less than 180 d. 			
11-1457	<u>Poss. Weapon in Safe School/Recreation Zone (Underlying Offense: Unclass Misdemeanor)</u> (j)(4) An elementary or secondary school student shall be expelled for 180d.			
16-4754	<u>Possess/Use/Consume Controlled Substance (Nonnarcotic)</u> <ul style="list-style-type: none"> • May qualify for First Offender Diversion Program (see §4764) • 16-4763(a)(1)(a) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is 2 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (d) 			
16-4754A	<u>Possession of Noncontrolled Prescription Drug</u> <ul style="list-style-type: none"> • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (d) 			

Unclassified Misdemeanors

Sentence Range (Unclassified Misdemeanors) UM	
Statutory Sentence	Up to 30d. @ Level V and up to \$575 fine
Presumptive Sentence	1 st or 2 nd offense: Fine, Costs, Restitution Only 3 rd Offense w/in 2 yrs:0 to 6m. @ Level I or II

Crimes in Category

11-601	Offensive Touching (Special DV Category May Apply) Refer to Pg. 105
11-602	Menacing (Special DV Category May Apply) Refer to Pg. 105
11-627	Substances Releasing Vapors or Fumes
11-763	Sexual Harassment (Special DV Category May Apply) Refer to Pg. 105
11-764	Indecent Exposure 2nd Degree
11-811(b)(3)	Criminal Mischief (<\$1000)
11-822	Criminal Trespass 2nd Degree Building/ Real Property + Fenced/ Enclosed
11-850(b)(1)	Unlawful Telecommunication Device (see note)
11-914	Unlawful Use of Consumer Identification Information
11-915	Unlawful Use of Credit Card Information
11-915A	Unlawful Printing Credit Card Receipt
11-922	Improper Labeling (<100) (see note) (7/10/06)
11-925	Video Privacy Protection
11-1107	Endangering Children
11-1250(a)	Harassment of Law Enforcement Animal
11-1301	Disorderly Conduct (Special DV Category May Apply) Refer to Pg. 105
11-1315	Public Intoxication (3rd Offense w/in 1 Year)
11-1322	Criminal Nuisance
11-1324	Obstructing Ingress/Egress at Public Building
11-1343	Patronizing a Prostitute (see note)
11-1404	Providing Premises for Gambling
11-1445 (1-3)	Unlawful Dealing with Dangerous Weapon (1) Possess/Sell BB/Air gun or ammunition for same/ (2)Unlawfully transfer to u/16 a BB/Air gun/ (3)Parent permits u/16 to have FA, BB/ Air/ Spear gun unsupervised
11-1446	Unlawful Dealing with Switchblade (see note)
11-1907(c)	Fail to Answer Summons (see note)
11-2109(c)(2)	Breach of Conditions of Bail (see note)
11-2113	Breach Conditions of Release (Misdemeanor) (see note)
11-6562A	Furnishing Contraband
16-2513(a)	Threat/Coerce/Intimidate to W/D Medical Treatment (see note)
16-3111(b)	Violations Concerning Vital Statistics Records (see note)
16-4757(c)	Possession of Hypodermic Syringe (see note)
16-4774 (d)	Advertisement of Drug Paraphernalia (see note)
16-6611(b)	Violation of Fire Regulations (see note)

Supplemental Notations Unclassified Misdemeanors:

All Criminal fines require 18% surcharge for Victims fund.
All Drug crimes require additional 15% surcharge for rehabilitation fund
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-850(b)(1)	<p><u>Unlawful Telecommunication Device</u></p> <ul style="list-style-type: none"> • Punishable by up to 1 yr at Level V; Fine up to \$10,000 • (b)(7) All fines shall be imposed for each unlawful telecommunication or access device • (b)(8) Restitution shall be ordered in the manner prescribed by §4106 • (b)(9) The court may order forfeiture of unlawful device(s)
11-922	<p><u>Improper Labeling (<100)</u></p> <p>11-924A: Court must order the forfeiture & destruction or other disposition of (1) all articles on which the conviction is based and (2) all implements, devices, materials & equipment used or intended to be used in the mfr of the recordings on which the conviction is based.</p>
11-1343	<p><u>Patronizing a Prostitute</u></p> <ul style="list-style-type: none"> • (b) Minimum Mandatory Fine= \$500, which shall not be suspended • (c)/(d) For a prior conviction w/in 5 yrs, any vehicle used in connection shall be seized
11-1446	<p><u>Unlawful Dealing with Switchblade</u></p> <ul style="list-style-type: none"> • 11-1457(b)(3)&(j)(2): If the violation occurs within a Safe School and Recreation Zone, the crime shall become a Class B Misdemeanor. • 11-1457(j)(4): If the Defendant is an elementary or secondary school student, in addition to other penalties, the student shall be expelled for not less than 180 d.
11-1907	<p><u>Fail to Answer Summons.</u> Maximum penalty: 30 d. imprisonment &/or \$100 fine.</p>
11-2109(c)(2)	<p><u>Breach of Conditions of Bail</u> Maximum penalty: Imprisonment= < 1yr.&/or Fine <\$500</p>
11-2113	<p><u>Breach Conditions of Release (Misdemeanor)</u></p> <p>Maximum penalty: 1 yr. imprisonment &/or \$500 fine.</p>
16-2513(a)	<p><u>Threat/Coerce/Intimidate to W/D Medical Treatment</u></p> <p>Mandatory penalty: >\$500/<\$1,000 fine; >30 d. /<90 d. imprisonment</p>
16-3111(b)	<p><u>Violations Concerning Vital Statistics Records</u></p> <p>Maximum penalty: Fine up to \$1,000; Imprisonment up to 1 yr.</p>
16-4757(c)	<p><u>Possession of Hypodermic Syringe</u></p> <ul style="list-style-type: none"> • Maximum penalty: Fine up to \$100; Imprisonment up to 30 d. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-4774	<p><u>Advertisement of Drug Paraphernalia</u></p> <ul style="list-style-type: none"> • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-6611(b)	<p><u>Violation of Fire Regulations</u></p> <ul style="list-style-type: none"> • Reckless violation-Maximum penalty: up to 10 d. imprisonment &/or up to \$100 fine. • Each & every day the violation continues after notification shall be deemed a separate offense

Violations

Sentence Range (Violations) V	
Statutory Sentence	1st offense: Up to \$345 2nd offense (same violation): Up to \$690 3rd offense (same viol. W/in 5 yrs): Up to \$1150
Presumptive Sentence	1st or 2nd offense: Fine, Costs, Restitution Only 3rd Offense w/in 2 yrs: Up to 6m. @ Level I

Crimes in Category

11-821	Criminal Trespass 3rd Degree
11-1116	Tobacco Sale Violations: Sell/Distribute to u/18 (see note)
11-1117	Tobacco Sale Violations: Fail to Post Notice to u/18 (see note)
11-1118	Tobacco Sale Violations: Dist Samples/Coupons to u/18 (see note)
11-1119	Tobacco Sale Violations: Dist by Vending Machine (see note)
11-1120	Tobacco Sale Violations: Sell from Unlawful Package (see note)
11-1315	Public Intoxication
11-1316	Out-of-State Liquor Agent Registration (see note)
11-1320	Loitering on State-Supported School Property
11-1321	Loitering
11-1323	Obstructing Public Passages
11-1330	Smoking on Bus or Trolley
11-1407	Engaging in Crap Game
11-1428	Maintaining an Obstruction

Supplemental Notations for Violations:

All Criminal fines require 18% surcharge for Victims fund.
Restitution shall be ordered for losses to victim. (Title 11, §4106)
Costs of prosecution may be ordered. (Title 11, §4204(i))

11-1116-11120 (penalties §11-1121)	<u>Tobacco Sale Violations</u> <ul style="list-style-type: none"> • Mandatory Fines: 1st offense= \$250, 2nd offense= \$500, 3rd and subsequent offenses= \$1,000 • Prior conviction w/in 12 m.: Defendant's license to sell tobacco may be suspended for up to 6m. w/out refund of registration fees
11-1316	<u>Out-of-State Liquor Agent Registration</u> Violations shall result in the loss of the right to register or registration for period of 6m.

Title 21 and Title 23 Offenses

Crimes In Category

21-2810	Driving After Judgment Prohibited (see note)
21-4103(b)	Flee or Attempt to Elude (see note)
21-4112A(c)	Unlawful Sale Traffic Control Signal Preemption Devices (see note)
21-4175	Reckless Driving (see note)
21-4175A	Aggressive Driving (see note)
21-4176	Careless or Inattentive Driving (see note)
21-4176A	Operation of Vehicle Causing Death (see note)
21-4177 et al.	Driving a Vehicle While Under the Influence (see note)(also note T11-4219 below)
21-4201	Leaving the Scene of an Accident (see note)
21-4202	Leaving the Scene of an Accident (Injury/Death) (see note)
23-2302	Operation of a Vessel or Boat While Under the Influence (see note)

Supplemental Notations for Title 21 Offenses:

<p>Per SENTAC Policy #15: Traffic offenses with the exception of 21-2810 (Driving after Judgment Prohibited) do not come under the purview of SENTAC's sentencing recommendations. However, in the interest of conserving expensive and limited prison space for the violent and proven incalcitrant offender, it is strongly recommended that Title 21 offenders not be given a sentence to Level V incarceration unless that have previously been sentenced to, and failed at, supervision in Level III & IV, or unless incarceration is mandated by law. Legislative mandates for the above listed offenses have been noted below.</p>
<p>21-4205(a) Other than offenses involving injury, death or DUI, terms of imprisonment may be served in quasi-incarceration (Level IV).</p>
<p>21-4205(b) For offenses involving injury caused by operation of a motor vehicle or DUI, imprisonment shall be served at Level V or in quasi-incarceration (Level IV) so long as such placement is in a D.O.C. facility which requires full-time residence and that the person may not be outside of the confines of said facility without armed supervision.</p>
<p>21-4205(c) For offenses involving death caused by operation of a motor vehicle or DUI, imprisonment shall be served at Level V.</p>
<p>21-4205(d) The appropriate supervision level under (a) or (b) shall be determined by D.O.C. and not by the sentencing judge.</p>
<p>Restitution shall be ordered for losses to victim. (Title 11, §4106)</p>
<p>Costs of prosecution may be ordered. (Title 11, §4204(i))</p>
<p>11-4101(f)(1) In addition to, and at the same time as any fine, penalty or forfeiture is assessed to a criminal defendant, recipient of a civil offense, or any child adjudicated delinquent, there shall be levied an additional surcharge of 50% of the fine for the Transportation Trust Fund imposed and collected for any violations of Title 21 of the Delaware Code.</p>
<p>11-4101(f)(3) If a fine or penalty is waived in whole or in part, the court may, in its discretion, waive up to the same percentage of the assessment.</p>

21-2810	Driving After Judgment Prohibited	
	Statutory Sentence	<ul style="list-style-type: none"> Habitual Offender: (1) 1st Conviction- Mandatory Imprisonment from 90d. up to 30m. & Fine up to \$1,150; (2) Prior Conviction- Mandatory Imprisonment from 180d. up to 5 yrs. & Fine up to \$2,300. Mandatory Imprisonment not subject to suspension
	Presumptive Sentence	(1) 1 st Conviction: 3m. @ Level V (2) Prior Conviction: 6m. @ Level V
21-4103(b)	Flee or Attempt to Elude <ul style="list-style-type: none"> Class G Felony. 1st Conv: Min.Man. fine of \$575 which may not be suspended. Subsequent Conv.: Min.Man. fine of \$1150 which may not be suspended. 	
21-4112A(c)	Unlawful Sale Traffic Control Signal Preemption Devices : Class A Misdemeanor	
21-4175	Reckless Driving. Mandatory Minimum Sentences: <ul style="list-style-type: none"> 1st Offense: 10 - 30d. @ Level V; Fine= \$100-\$300 Prior Conviction w/in 3 yrs.: 30 - 60d.@ Level V; Fine= \$300-1,000. Sentence may not be suspended. If charge is result of DUI reduction: Completion of course required under §4177D and payments of its attendant fees are mandated. The court must notate the record that the conviction was alcohol-related and, as result, shall be reflected upon Defendant's motor vehicle record. 	
21-4175A	Aggressive Driving. Mandatory Minimum Sentences <ul style="list-style-type: none"> 1st Offense: 10-30d. @ Level V; Fine= \$100-\$300 Prior Conviction w/in 3 yrs.:30-60d.@ Level V; Fine= \$300-1,000. Sentence may not be suspended. Driving privileges suspended for 30d. Completion of Behavior Modification course and payment of its attendant fees are mandated. 	
21-4176	Careless or Inattentive Driving. Mandatory Minimum Sentences: <ul style="list-style-type: none"> 1st Offense: Fine= \$25-\$115 Prior Conviction w/in 3 yrs: 10-30d.@ Level; Fine=\$50-\$230 	
21-4176A	Operation of Vehicle Causing Death <ul style="list-style-type: none"> Maximum penalty 1st Conviction: up to 30 m. imprisonment &/or \$1,150 Fine Prior Conviction: up to 60 m. imprisonment &/or \$2,300 Fine 	
21-4177	Driving a Vehicle While Under the Influence. Mandatory Minimum Sentences: <ul style="list-style-type: none"> 1st Offense: (1) up to 6m. @ Level V; (2) Fine= \$500-\$1,500; (3) Completion of alcohol evaluation and program (§4177D) which may include up to 6m. confinement & a fee not in excess of maximum fine under this section; (4) 12m. DL revocation 2nd Offense: (1) 60d-18m. @ Level V; (2) Fine= \$750-\$2,500; minimum sentence may not be suspended; (3) Completion of alcohol evaluation and program (§4177D) which may include up to 15m. confinement & a fee not in excess of maximum fine under this section; (4) 18 m. DL revocation if B.A.L. < .16/ 24. if B.A.L.=.16-.19/ 30m. if B.A.L. = > .20.; (5) Ignition Interlock Device shall be installed on all vehicles registered to Defendant after first 12m. of DL revocation and for either 3 months or the remaining revocation period whichever is greater 3rd Offense: (Class G Felony): (1) 1-2 yrs. imprisonment (first 3m. must be @ 	

Level V and shall not be subject to suspension, early release, furlough or reduction of any kind);(2) Fine= \$1,500-\$5,000. (3) Completion of alcohol evaluation and program (§4177D) which may include up to 15m. confinement & a fee not in excess of maximum fine under this section; (4) 24m. DL revocation if B.A.L. < .16/ 30m. if B.A.L.=.16-.19/ 36m. if B.A.L. = >.20.; (5) Ignition Interlock Device shall be installed on all vehicles registered to Defendant after first 12m. of DL revocation and for either 3 months or the remaining revocation period whichever is greater.

- **4th Offense:** (Class E Felony): (1) 2-5 yrs. imprisonment (first 6m. must be @ Level V and shall not be subject to suspension, early release, furlough or reduction of any kind); (2) Fine= \$3,000-\$7,000. (3) Completion of alcohol evaluation and program (4177D) which may include up to 15m confinement & a fee not in excess of maximum fine under this section. (4) 60 months revocation regardless of B.A.L. (5) Ignition Interlock Device shall be installed on all vehicles registered to Defendant after first 12m. of DL revocation and for either 3 months or the remaining revocation period whichever is greater. Payment of associated costs is required unless indigent (4177G9e)).
- **5th Offense** (Class E Felony): (1) 3-5 yrs. (2) Fine= \$3,500-\$10,000(3) Completion of alcohol evaluation and program (§4177D) which may include up to 15m. confinement & a fee not in excess of maximum fine under this section. (4) 60 months DL revocation regardless of B.A.L. (5) Ignition Interlock Device shall be installed on all vehicles registered to Defendant after first 12m. of DL revocation and for either 3 months or the remaining revocation period whichever is greater; Payment of associated costs is required unless indigent (§4177G(e)).
- **6th Offense:** (Class D Felony): (1) 5-8 yrs. (2) Fine=\$5,000-\$10,000 (3) Completion of alcohol evaluation and program (4177D) which may include up to 15m. confinement & a fee not in excess of maximum fine under this section. (4) 60 months DL revocation regardless of B.A.L. (5) Ignition Interlock Device shall be installed on all vehicles registered to Defendant after the first 12m. of DL revocation and for either 3 months or the remaining revocation period whichever is greater. Payment of associated costs is required unless indigent (4177G(e)).
- **7th or for any subsequent offense:** (Class C Felony): (1) 10-15 yrs. (2) Fine= \$10,000-\$15,000 (3) Completion of alcohol evaluation and program (4177D) which may include up to 15m. confinement & a fee not in excess of maximum fine under this section. (4) 60 months DL revocation regardless of B.A.L. (5) Ignition Interlock Device shall be installed on all vehicles registered to defendant after the first 12m of DL revocation and for either 3 months or the remaining revocation period whichever is greater. Payment of associated costs is required unless indigent (4177G9e)).
- For the fourth, fifth, sixth, seventh offense or greater, the provisions of Section 4205(b) or Section 4217 of Title 11 or any other statute to the contrary notwithstanding, the first six months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough, or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for sentencing pursuant to Section 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered any underlying felony for a murder in the first degree pursuant to section 636(a)(2) of Title 11.
- Any provisions under (d)(3) may be applied upon motion of AG.
- Aggravating Factor: In addition to the above, if a person > 17 y.o.a. was in the vehicle, the following additional requirements must be added: (a) 1st offense- 40 hrs. community service benefiting children & \$230-\$1,150; (b) Prior offense involving same: 80 hrs. community service benefiting children & \$575-\$2,300.
- Revocation of driving privileges will remain in effect until (1) the minimum required

	<p>period AND (2) completion of alcohol evaluation and program have been satisfied. The court shall take possession of the Defendant's driver's license upon conviction and forward it to the appropriate agency (§4177A(c))</p> <p>Discretionary Sentence Conditions:</p> <ul style="list-style-type: none"> • For a violation of (a) or (b), the Court may order an ignition interlock device for a minimum period of 1 yr. A person violating (a) while also in violation of this section shall be sentenced to 60d. imprisonment & a fine of \$2,300. • §4177B First Offenders: Election in Lieu of Trial • §4177G Subsequent Offender eligibility for Interlock Ignition Device License <p>11-4219. Continuous Remote Alcohol Monitoring Program.</p> <p>(a) There is hereby established for sentencing and probation purposes a Continuous Remote Alcohol Monitoring Program which shall use technology to monitor offenders for alcohol use. The program shall be administered by the Department of Correction which shall have the sole authority to determine which offenders are accepted into the program.</p> <p>(b) The Board of Parole or any Court of competent jurisdiction may request and recommend, as part of conditions of release or the sentence of any person convicted under § 4177(a) of Title 21 for a first offense where the first offender election is not available, or for a subsequent offense involving a blood alcohol content of .20 or higher, a period of continuous remote alcohol monitoring not to exceed 90 days for a first offense and 120 days for a second offense.</p> <p>(c) Any inmate incarcerated for violations of § 4177 of Title 21 and selected for participation in the program shall be released on Level IV status, subject to the conditions of the program, and those conditions imposed by the sentencing judge. The remainder of the participant's sentence of incarceration shall be suspended upon completion of the program requirements. Participants failing to satisfactorily complete the program shall be returned to the Board of Parole or the sentencing authority for resentencing.</p> <p>(d) Any offender considered for participation must agree to adhere to the conditions established for participation before being accepted into the program.</p> <p>(e) The Department of Correction shall report annually on the use of the program, and its effectiveness as a supervision mechanism. (75 Del. Laws, c. 143, § 1; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 381, §§ 1, 2; 76 Del. Laws, c. 134, § 1; 76 Del. Laws, c. 366, § 1.)</p>
21-4201	<p><u>Leaving the Scene of an Accident.</u> Mandatory Minimum Sentence: (1) 60d.-6m. imprisonment; (2) Fine \$230-\$1,150; (3) 6m. driver's license revocation.</p>
21-4202	<p><u>Leaving the Scene of an Accident (Injury/Death).</u></p> <p>Mandatory Minimum Sentences:</p> <ul style="list-style-type: none"> • (b) Injury (unclassified misdemeanor): (1) 1-2 yrs. imprisonment; (2) Fine=\$1,000-\$2,000; (3) 1 yr. driver's license suspension • (c) Death (class E felony): (1) 1 yr. minimum imprisonment of which the first 6m. may not be suspended; (2) 2 yr. driver's license suspension

23-2302	<p><u>Operation of a Vessel or Boat While Under the Influence</u>. Mandatory Minimums:</p> <ul style="list-style-type: none"> • (1) 1st Offense: (1) 60d.-6m. @ Level V &/or (2) Fine= \$200-\$1,000 • (2) 2nd Offense w/in 5 yrs: (1) 60d.-18m. @ Level V <u>and</u> (2) Fine= \$500-\$2,000; minimum sentence may not be suspended and (3) completion of a program of education or rehabilitation which may include inpatient program and followed by such other programs as established by the training facility, not to exceed a total of 15 months, and pay a fee not to exceed the maximum fine (see subsection 8) • (3) 3rd Offense w/in 5 yrs: (Class G Felony): (1) 1-2 yrs. @ Level V (first 3m. must be @ Level V and shall not be subject to suspension, early release, furlough or reduction of any kind) <u>and</u> (2) Fine= \$1,000-\$3,000 and (3) completion of a program of education or rehabilitation which may include inpatient program and followed by such other programs as established by the training facility, not to exceed a total of 15 months, and pay a fee not to exceed the maximum fine (see subsection 8) • (4) 4th or Subsequent Offense: (Class E Felony): (1) 2-5 yrs. @ Level V (first 6m. must be @ Level V and shall not be subject to suspension, early release, furlough or reduction of any kind) <u>and</u> (2) Fine: \$2,000-\$6,000 and (3) completion of a program of education or rehabilitation which may include inpatient program and followed by such other programs as established by the training facility, not to exceed a total of 15 months, and pay a fee not to exceed the maximum fine (see subsection 8) • (5)(a) Aggravating factor-If a juvenile <17 y.o.a. was on board, then: <ul style="list-style-type: none"> • 1st Offense: Additional fine= \$200-\$1,000 and 40 hrs. community service • Subsequent Offense: Additional fine= \$500-\$2,000 and 80 hrs. community service
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SUMMARY OF DRUG OFFENSES

Summary of Drug Offenses- Class B Felonies

Class B Felony (Violent)

Sentence Range (Violent Category) FBV	
Statutory Range	2 to 25 Years
Presumptive Sentence	2 – 5 yrs; First Two Years at Level V (May Not Be Suspended)
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4751(c)	Manufacture/Delivery Narcotic: Death (see note)
16-4753A	Trafficking in Controlled Substances (see note)

Supplemental Notations:

16-4751(c)	<p><u>Manufacture/Delivery Narcotic: Death</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$100,000 • 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. • 16-4763(a)(1) If previous conviction under §§4751,4752,4753A or 4761,(c) the maximum imprisonment is 5 yrs or (d): if heroin or heroin mixture, the maximum imprisonment is increased to 10 years. • 16-4763(a)(2) If previous conviction under §§4751,4752,4753A or 4761, (a) the mandatory minimum imprisonment is 3 yrs or (b): if heroin or heroin mixture, the minimum imprisonment is increased to 5 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • Title 21, §4177K: Mandatory 3 yr. driver's license revocation
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16-4753A

Trafficking in Controlled Substances

- (a) Mandatory Minimum Terms of Imprisonment (Level V) and Fines:

MARIJUANA (1)	5 - 99 lbs.: 2 yrs + up to \$25,000 fine 100 - 499 lbs.: 4 yrs + up to \$50,000 fine 500+ lbs: 8 yrs + up to \$100,000 fine
COCAINE (2)	10 - 49 gm: 2 yrs + up to \$50,000 fine 50 - 99 gm: 4 yrs + up to \$100,000 fine 100+ gm: 8 yrs + up to \$400,000 fine
OPIATES (3)	2.5-9 gm: 3 yrs + up to \$75,000 fine 10-49 gm: 10 yrs + up to \$150,000 fine 50+ gm: 25 yrs + up to \$750,000 fine
METHAMPHETAMINE (4)	5 - 49 gm: 2 yrs + up to \$50,000 fine 50 - 99 gm: 4 yrs + up to \$100,000 fine 100+ gm: 8 yrs + up to \$400,000 fine
AMPHETAMINE (5)	5 - 49 gm: 2 yrs + up to \$50,000 fine 50 - 99 gm: 4 yrs + up to \$100,000 fine 100+ gm: 8 yrs + up to \$400,000 fine
PHENYLCYCLIDINE (PCP) (6)	5 - 49 gm: 2 yrs + up to \$50,000 fine 50 - 99 gm: 4 yrs + up to \$100,000 fine 100+ gm: 8 yrs + up to \$400,000 fine
LYSERGIC ACID (LSD) (7)	50 - 99 doses/5 - 9 liquid mg: 2 yrs + up to \$50,000 fine 100 - 499 doses/10 - 49 liquid mg: 4 yrs + up to \$100,000 fine 500+ doses/50+ liquid mg: 8 yrs + up to \$400,000 fine
DESIGNER DRUG (8)	25 - 249 doses/5 - 49 gm/5 - 49 ml: 2 yrs + up to \$50,000 fine 250-500 doses/50-100 gm/50-100 ml – 4 yrs + up to \$100,000 fine 500+ doses 100+ gm/100+ ml – 8 years + up to \$400,000 fine
MDMA (9)	25 - 249 doses/5 - 49 gm/5 - 49 ml: 2 yrs + up to \$50,000 fine 250 - 499 doses/50 - 99 gm/50 - 99 ml: 4 yrs + up to \$100,000 fine 500+ doses/100+ gm/100+ ml: 8 years + up to \$400,000 fine

- (b) Adjudication of guilt or imposition of sentence shall not be suspended, deferred or withheld, nor shall such person be eligible for parole or release upon good time, work release, supervised custody, furlough or any similar program prior to serving mandatory minimum term of imprisonment
- **16-4763(c)** If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V
- **16-4763(d)** Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
- 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)

Summary of Drug Offenses- Class C Felonies

Class C Felony (Violent)

Sentence Range (Violent Category) FCV	
Statutory Range	0 to 15 years @ Level V
Presumptive Sentence	Up to 30 months @ Level V
Acceptance of Responsibility	Up to 22 mos. @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4751(a)	Manufacture/Delivery/PWI Schedule I,II Narcotic (see note)
16-4761(a)(1)	Distribution of Schedule I or II Narcotic to u/21 y.o.a. (see note)

Supplemental Notations:

16-4751(a)	<p><u>Manufacture/Delivery/PWI Schedule I,II Narcotic</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$50,000 • 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. • 16-4763(a)(1) If previous conviction under §§4751,4752,4753A or 4761,(c) the maximum imprisonment is 5 yrs or (d): if heroin or heroin mixture, the maximum imprisonment is increased to 10 years. • 16-4763(a)(2) If previous conviction under §§4751,4752,4753A or 4761, (a) the mandatory minimum imprisonment is 3 yrs or (b): if heroin or heroin mixture, the minimum imprisonment is increased to 5 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • Title 21, §4177K: Mandatory 3 yr. driver's license revocation
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16-4761(a)(1)	<p><u>Distribution of Schedule I or II Narcotic to u/21 y.o.a.</u></p> <ul style="list-style-type: none"> • (a)(3) If the recipient of the controlled substance/counterfeit is under 16 y.o.a., the mandatory minimum sentence = 1 yr. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • (a)(3) If the recipient of the controlled substance/counterfeit is under 14 y.o.a., the mandatory minimum sentence = 2 yrs. At Level V; which minimum sentence shall not be subject to suspension, probation or parole • If the Defendant is over 18 y.o.a. and uses, solicits, directs, hires or employs a person under 18 y.o.a. to commit violation of subchapter IV or V, the maximum sentence consists of 10 years at Level V and a \$250,000 fine. • 16-4763(a)(1)(f) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is increased to 17 yrs • 16-4763(a)(2)(d) If previous conviction under §§4751,4752,4753A or 4761, mandatory minimum imprisonment is 10 yrs • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
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Class C Felony (Nonviolent)

Sentence Range (Nonviolent Category) FCN	
Statutory Range	0 to 15 years @ Level V
Presumptive Sentence	Up to 1 yr @ Level V
Acceptance of Responsibility	Up to 9 mos. @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4761A(a)(1)	Purchase Drugs from Minor (Schedule I,II/Narcotic) (see note)
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Supplemental Notations:

16-4761A(a)(1)	<p><u>Purchase Drugs from Minor (Schedule I,II/Narcotic)</u></p> <ul style="list-style-type: none">• (a)(3)If the recipient of the narcotic/counterfeit is under 16 y.o.a., the mandatory minimum sentence = 1 yr. at Level V; which minimum sentence shall not be subject to suspension, probation or parole• (a)(3)If the recipient of the narcotic/controlled substance/counterfeit is under 14 y.o.a., the mandatory minimum sentence = 2 yrs. at Level V; which minimum sentence shall not be subject to suspension, probation or parole• 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V• 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
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Summary of Drug Offenses- Class D Felonies

Class D Felony (Violent)

Sentence Range (Violent Category) FDV	
Statutory Range	0 to 8 years @ Level V
Presumptive Sentence	Up to 2 years @ Level V
Acceptance of Responsibility	Up to 18 mos. @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4752A	Delivery Noncontrolled Substance (see note)
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Supplemental Notations:

16-4752A	<p><u>Delivery Noncontrolled Substance</u></p> <ul style="list-style-type: none"> • (c) Sentence is governed by the penalty for delivery of the substance which the defendant represented the noncontrolled substance to be. If no specific express or implied representation was made, the penalty shall be that for delivery of a nonnarcotic controlled substance. Section 4751(b) of Title 16 shall not apply • Maximum Fine= \$50,000 • 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
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Summary of Drug Offenses- Class E Felonies

Class E Felony (Violent)

Sentence Range (Violent Category): FEV	
Statutory Range	0 to 5 years @ Level V
Presumptive Sentence	Up to 15 m. @ Level V
Acceptance of Responsibility	Up to 11 mos. @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4751(b)	Manufacture/Delivery/PWI of Sched. III,IV,V Narcotic (see note)
16-4752(a)	Manufacture/Delivery/PWI Nonnarcotic Controlled Substance (see note)
16-4752(b)	Dist/Sell/Prescribe Steroids/Counterfeit for Athletics (see note)
16-4754A(d)	Deliver/PWI Noncontrolled Prescription Drug (see note)
16-4761(a)(2)	Distribution Nonnarcotic Controlled Substance to u/21 y.o.a. (see note)
16-4774(c)	Delivery Drug Paraphernalia to Minor

Supplemental Notations:

16-4751(a)	<p><u>Manufacture/Delivery/PWI of Sched. III,IV,V Narcotic</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$15,000 • 16-4751(d): If by a preponderance the Defendant is determined to be a Nonaddict (1) 1st conviction: minimum mandatory sentence= 6 years at Level V (2) 2nd or subsequent conviction= minimum mandatory sentence of 12 years at Level V. Sentence may not be suspended. • 16-4763(a)(1) If previous conviction under §§4751,4752,4753A or 4761,(c) the maximum imprisonment is 5 yrs or (d): if heroin or heroin mixture, the maximum imprisonment is increased to 10 years. • 16-4763(a)(2) If previous conviction under §§4751,4752,4753A or 4761, (a) the mandatory minimum imprisonment is 3 yrs or (b): if heroin or heroin mixture, the minimum imprisonment is increased to 5 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
16-4752(a)	<p><u>Manufacture/Delivery/PWI Nonnarcotic Controlled Substance</u></p> <ul style="list-style-type: none"> • Maximum Fine= \$10,000/ Maximum Imprisonment= 5 yrs • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (e)

16-4752(b)	<p><u>Dist/Sell/Prescribe Steroids/Counterfeit for Athletics</u></p> <ul style="list-style-type: none"> • 16-4763(a)(1)(c) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is 5 yrs. • 16-4763(a)(2)(a) If previous conviction under §§4751,4752,4753A or 4761, mandatory minimum imprisonment is 3 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (e)
16-4754A(d)	<p><u>Deliver/PWI Noncontrolled Prescription Drug</u></p> <ul style="list-style-type: none"> • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (e)
16-4761(a)(2)	<p><u>Distribution Nonnarcotic Controlled Substance to u/21 y.o.a.</u></p> <ul style="list-style-type: none"> • (a)(4) If the recipient of the nonnarcotic controlled substance/counterfeit is under 16 y.o.a., the mandatory minimum sentence = 6 m. at Level V; which minimum sentence shall not be subject to suspension, probation or parole. If the recipient is under 14 y.o.a., the mandatory minimum sentence = 1 yr. at Level V; which minimum sentence shall not be subject to suspension, probation or parole. (continued) • (c) If the Defendant is over 18 y.o.a. and uses, solicits, directs, hires or employs a person under 18 y.o.a. to commit violation of subchapter IV or V, the maximum sentence consists of 10 years at Level V and a \$250,000 fine. • 16-4763(a)(1)(e) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is increased to 9 yrs • 16-4763(a)(2)(c) If previous conviction under §§4751,4752,4753A or 4761, the mandatory minimum imprisonment is 7 yrs • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
16-4774(c)	<p><u>Delivery Drug Paraphernalia to Minor</u></p> <ul style="list-style-type: none"> • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV

Summary of Drug Offenses- Class E Felonies

Class E Felony (Nonviolent)

Sentence Range (Nonviolent Category) FEN	
Statutory Range	0 to 5 years @ Level V
Presumptive Sentence	Up to 12 m. @ Level II
Acceptance of Responsibility	Up to 9 mos. @ Level II
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4761A(a)(2)	Purchase Drugs from Minor (Controlled Substance/Nonnarcotic) (see note)
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Supplemental Notations:

16-4761A(a)(2)	<p><u>Purchase Drugs from Minor (Controlled Substance/Nonnarcotic)</u></p> <ul style="list-style-type: none"> • (a)(4) If the recipient of the nonnarcotic/counterfeit is under 16 y.o.a., the mandatory minimum sentence = 6 m. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • (a)(4) If the recipient of the nonnarcotic/counterfeit is under 14 y.o.a., the mandatory minimum sentence = 1 yrs. at Level V; which minimum sentence shall not be subject to suspension, probation or parole • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
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Summary of Drug Offenses- Class F Felonies

Class F Felony (Nonviolent)

Sentence Range (Nonviolent Category) FFN	
Statutory Range	0 to 3 years @ Level V
Presumptive Sentence	Up to 12 m. for Title 11 offenses; up to 18 months for Title 16 offenses @ Level II
Acceptance of Responsibility	Up to 9 mos. @ Level II for Title 11 offenses Up to 14 mos. @ Level II for Title 16 offenses
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4755(a)(1)	Illegal Distribution of Controlled Substance (see note)
16-4755(a)(2)	Unauthorized Manufacture/Distribution Controlled Substance (see note)
16-4755(a)(4)	Refusal to Allow Inspection (see note)
16-4755(a)(5)	Maintain Structure/Conveyance for Illegal Use/Delivery (see note)
16-4756	Obtain/Distribute Controlled Substance by Fraud/Theft (see note)

Supplemental Notations:

16-4755 16-4756	<ul style="list-style-type: none"> • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
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Summary of Drug Offenses- Class G Felonies

Class G Felony (Violent)

Sentence Range (Violent Category) FGV	
Statutory Range	0 to 2 years @ Level V
Presumptive Sentence	Up to 6 m. @ Level V. For 16-4767 & 16-4768: 3 - 9 m. @ Level V.
Acceptance of Responsibility	Up to 4 mos. @ Level V
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4761(c)	Hire Minor to Violate any Drug Provision (see note)
16-4767	Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 1000 ft School (see note)
16-4768	Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 300 ft Park/Worship (see note)

Supplemental Notations:

16-4761(c)	<p><u>Hire Minor to Violate any Drug Provision</u></p> <ul style="list-style-type: none"> • Maximum Sentence: Imprisonment= 10 yrs., Fine= \$250,000 • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(b): Mandatory 3 yr. driver's license revocation subject to (e)
16-4767	<p><u>Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 1000 ft School</u></p> <ul style="list-style-type: none"> • (a)(1) Narcotic: Maximum Penalty= 30 yrs imprisonment/ \$250,000 fine. • (a)(2) Nonnarcotic: Maximum Penalty= 15 yrs imprisonment/\$250,000 fine.\ • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-4768	<p><u>Distribution/Delivery/Possession Controlled Substances/ Counterfeit w/in 300 ft Park/Worship</u></p> <ul style="list-style-type: none"> • Maximum Penalty: Imprisonment= 15 yrs/ Fine= \$250,000. • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV

Class G Felony (Nonviolent)

Sentence Range (Nonviolent Category) FGN	
Statutory Range	0 to 2 years @ Level V
Presumptive Sentence	Up to 12 m. @ Level II
Acceptance of Responsibility	Up to 9 mos. @ Level II
Probation or Suspension of Sentence (11-4333)	<ul style="list-style-type: none"> • (b)(1) 2 years for violent felonies; (b)(2) 18 months for Title 16 offenses; (b)(3) 1 year for all others. • (c) Consecutive sentence shall not amount to more than limitations herein. • (d) Limitations shall not apply to: (1) sex offenses, (2) violent felonies if public safety requires, or (3) if restitution remains unpaid at the end of the term. Additional probation for restitution purposes must be served at Level I. Record must be noted accordingly. • (e) Limitations may be exceeded for a 90-day period to ensure the completion of a court-ordered substance abuse program.

Crimes in Category:

16-4757(d)	Deliver/Dispose Hypodermic Syringe (see note)
16-4774(b)	Manufacture/Deliver/PWI Drug Paraphernalia (see note)

Supplemental Notations:

16-4757(d)	16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-4774(b)	

Summary of Drug Offenses- Misdemeanors:

Class A Misdemeanor

Sentence Range (Controlled Substance Category) MA5	
Statutory Sentence	0 to 1 yr @ Level V and up to \$2,300 fine
Presumptive Sentence	1st Offense w/16-4764 First Offender Program Minimum 18 m. @ Level I ^(7/12/05) 1st Offense 12 m. @ Level II 2nd Offense w/in 2 Years: 6 m. @ Level III & 6m. @ Level II 3rd Offense w/in 3 Years: 6 m. @ Level V
Acceptance of Responsibility	Up to 9 mos @ Level II

Crimes in Category:

16-4740	Sale of Pseudoephedrine/Ephedrine
16-4753	Possess/Use/Consumption Narcotic/Counterfeit w/out Rx (see note)
16-4755(a)(3)	Refuse/Fail to Make/Keep/Furnish Required Record (see note)
16-4758	Keeping Drugs in Original Container (see note)
16-4774(a)	Possession of Drug Paraphernalia (see note)

Supplemental Notations:

16-4753	<p><u>Possess/Use/Consumption Narcotic/Counterfeit w/out Rx</u></p> <ul style="list-style-type: none"> May qualify for First Offender Diversion Program (see §4764) 16-4763(a)(1)(b) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is 3 yrs. 21-4177K(a) Mandatory 2 yr. driver's license revocation subject to (d)
16-4753 16-4755 16-4758 16-4774	<ul style="list-style-type: none"> 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (d)

Class B Misdemeanor

Sentence Range (Class B Misdemeanors) MB	
Statutory Sentence	0 to 6m. @ Level V and up to \$1,150 fine
Presumptive Sentence	1st &/or 2nd offense: Fine, Costs, Restitution Only 3rd Offense w/in 2 yrs: up to 6m. @ Level I or II

Crimes in Category:

16-4754	Possess/Use/Consume Controlled Substance (Nonnarcotic) (see note)
16-4754A	Possession of Noncontrolled Prescription Drug (see note)

Supplemental Notations:

16-4754	<p><u>Possess/Use/Consume Controlled Substance (Nonnarcotic)</u></p> <ul style="list-style-type: none"> • May qualify for First Offender Diversion Program (see §4764) • 16-4763(a)(1)(a) If previous conviction under §§4751,4752,4753A or 4761, the maximum imprisonment is 2 yrs. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (d)
16-4754A	<p><u>Possession of Noncontrolled Prescription Drug</u></p> <ul style="list-style-type: none"> • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV • 21-4177K(a): Mandatory 2 yr. driver's license revocation subject to (d)

Unclassified Misdemeanors

Sentence Range (Unclassified Misdemeanors) UM	
Statutory Sentence	Up to 30d. @ Level V and up to \$575 fine
Presumptive Sentence	1 st or 2 nd offense: Fine, Costs, Restitution Only 3 rd Offense w/in 2 yrs: 0 to 6m. @ Level I or II

Crimes in Category

16-4757(c)	Possession of Hypodermic Syringe (see note)
16-4774 (d)	Advertisement of Drug Paraphernalia (see note)

Supplemental Notations:

16-4757(c)	<p><u>Possession of Hypodermic Syringe</u></p> <ul style="list-style-type: none"> • Maximum penalty: Fine up to \$100; Imprisonment up to 30 d. • 16-4763(c) If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV
16-4774(d)	<p><u>Advertisement of Drug Paraphernalia</u></p> <ul style="list-style-type: none"> • 16-4763(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV

Summary of Trafficking Offenses

CONTROLLED SUBSTANCE	SECTION NO.	OLD CLASS/ PENALTY	NEW CLASS/ PENALTY	FINES
<u>MARIJUANA</u> 5-99 lbs. 100-499 lbs. 500+ lbs.	4753A(a)(1)(a) 4753A(a)(1)(b) 4753A(a)(1)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$25,000 \$50,000 \$100,000
<u>COCAINE</u> 10-49 grams 50-99 grams 100+ grams	4753A(a)(2)(a) 4753A(a)(2)(b) 4753A(a)(2)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000
<u>HEROIN/OPIATES</u> 2.5-9 grams 10-49 grams 50+ grams	4753A(a)(3)(a) 4753A(a)(3)(b) 4753A(a)(3)(c)	B/3-20 years B/10-20 years B/25 years	B/3-25 years B/10-25 years B/25 years	\$75,000 \$150,000 \$750,000
<u>METHAMPHETAMINES</u> 5-49 grams 50-99 grams 100+ grams	4753A(a)(4)(a) 4753A(a)(4)(b) 4753A(a)(4)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000
<u>AMPHETAMINES</u> 5-49 grams 50-99 grams 100+ grams	4753A(a)(5)(a) 4753A(a)(5)(b) 4753A(a)(5)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000
<u>PCP</u> 5-49 grams 50-99 grams 100+ grams	4753A(a)(6)(a) 4753A(a)(6)(b) 4753A(a)(6)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000
<u>LSD</u> 50-99 doses/5-9 mg 101-499 doses/10-49 mg 500+ doses/ 50+ mg	4753A(a)(7)(a) 4753A(a)(7)(b) 4753A(a)(7)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000
<u>DESIGNER DRUGS</u> 25-249d/5-49gm/ ml 250-500d/50-100gm/ ml 500+d/100+gm/ ml	4753A(a)(8)(a) 4753A(a)(8)(b) 4753A(a)(8)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000
<u>MDMA</u> 25-249d/5-49gm/ ml 250-500d/50-100gm/ ml 500+d/100+gm/ ml	4753A(a)(8)(a) 4753A(a)(8)(b) 4753A(a)(8)(c)	B/3-20 years B/5-20 years B/15-20 years	B/2-25 years B/4-25 years B/8-25 years	\$50,000 \$100,000 \$400,000

Summary of 16-4763

(a) Previous Convictions- If a defendant has previously been convicted of any of the following sections: §§ 4751, 4752, 4753A or 4761, the penalties set forth in § § 4751-4761 of this title shall be increased as follows:

(1) The Maximum Penalties shall be increased to:

- a. §4754- not more than 2 years.
- b. §4753- not more than 3 years.
- c. §4751 or §4752 (except heroin or a heroin compound)- 5 years.
- d. §4751 Heroin or Heroin compound- 10 years.
- e. §4761(a)(2)- not more than 9 years.
- f. §4761(a)(1)- not more than 17 years.

(2) Minimum Mandatory Penalties: The following sections require the imposition of the minimum mandatory penalties as described. Said penalties shall not be suspended, nor shall defendants be eligible for probation or parole during the mandatory portion of their sentence:

- a. §4751 or §4752 (except heroin or heroin compounds)- 3 years.
- b. §4751 Heroin or Heroin compound- 5 years.
- c. §4761(a)(2)- 7 years.
- d. §4761(a)(1)- 10 years.

(b) Mitigating Circumstances and Reduced Penalties

(1) The maximum penalty for a violation of **§4752 or §4761(a)(2)** is \$1,000 fine and/or 2 years @ Level V if all of the following conditions have been met:

- a. Defendant is under 21 y.o.a.,
- b. The defendant delivered a controlled or counterfeit substance classified in Schedule I or II as a narcotic,
- c. The incident was an isolated one, the Defendant did not profit by it or assist another to profit and the Defendant is not engaged in the business of delivering controlled or counterfeit substances,
- d. The person who purchased the substance was at least 15 y.o.a. and had known the Defendant for a minimum of 1 year prior to the transaction.

(2) In any prosecution under **§4754**, the maximum penalty shall be a fine of \$500 and/or 90 days @ Level V if all of the following conditions have been met:

- a. Defendant is under 21 y.o.a.,

-
- b. Defendant had used or possessed a controlled or counterfeit substance other than a narcotic,
 - c. Defendant is not engaged in the business of delivering controlled or counterfeit substances
 - d. The controlled or counterfeit substance was obtained from one whom the defendant reasonably believed was at the time under the age of 21 and did not make a profit or assist another in making a profit in the transaction and was not in the business of delivering controlled or counterfeit substances and had been acquainted with the Defendant for a period of 1 year before any delivery took place

(3) The burden shall be on the Defendant to establish mitigating circumstances by preponderance. The Defendant may elect to plead said mitigating circumstances and present to either but not both: (i) the trier of fact or (ii) the court at a hearing after conviction and prior to sentencing

(4) This subsection is not applicable to Defendants with previous convictions as defined in subsection (a) of this section and the penalties provided therein shall apply fully. A conviction for which the penalty has been mitigated under subsection (b) shall count as a previous conviction for purposes of subsection (a).

(c) Additional Penalties- If Defendant moved to this State in order to commit offense penalty shall be increased by 1 yr at Level V

(d) Substance Abuse Treatment: Upon request of D.O.C. the Defendant may be placed during last 180 d. of Level V sentence in quasi-incarceration @ Level IV

AGGRAVATING AND MITIGATING FACTORS

The standard sentence range is presumed to be appropriate for the typical criminal case. The court may impose a sentence outside the standard sentence range for that offense if it finds that there are substantial and compelling reasons justifying an exceptional sentence.

The following aggravating and mitigating circumstances for exceptional sentences are provided as examples and are not intended to be exclusive reasons for departure. An aggravating or mitigating circumstance, whether listed below or not, shall only apply if it does not reflect the statutory language defining the current offense, or constitute an element thereof.

When an exceptional sentence is decreed, the governing factor(s) leading to the exceptional sentence must be stated for the record, and should be identified in the sentencing order or on the sentencing worksheet.

Aggravating Factors:

- A1 Excessive Cruelty
- A2 Prior Violent Criminal Conduct
- A3 Repetitive Criminal Conduct
- A4 Need for Correctional Treatment
- A5 Undue Depreciation of Offense
- A6 Major Economic Offense or Series of Offenses
- A7 Prior Abuse of Victim
- A8 Custody Status at Time of Offense
- A9 Lack of Remorse
- A10 Betrayal of Public Trust
- A11 Supervision to Monitor Restitution
- A12 Lack of Amenability
- A13 Vulnerability of Victim
- A14 Statutory Aggravation
- A15 Statutory Habitual Offender
- A16 Child Domestic Violence Victim
- A17 Offense Against a Child
- A18 Sentenced to Time Already Served Only

Mitigating Factors:

- M1 Victim Involvement
- M2 Voluntary Redress or Treatment
- M3 Under Duress or Compulsion
- M4 Inducement By Others
- M5 Physical/Mental Impairment
- M6 Concern for Victim by Non-Principal
- M7 No Prior Convictions
- M8 Treatment Need exceeds Need for Punishment
- M9 Could Lose Employment
- M10 Statutory Mitigation
- M11 Assistance to Prosecution
- M12 Mental Retardation
- M13 Other

Description of AGGRAVATING FACTORS For Exceptional Sentences

Violent Felonies Only:

EXCESSIVE CRUELTY

- a. Those facts surrounding the commission of a violent felony which demonstrate such a callousness and cruelty towards the victim as to shock the conscience of the Court. [Standard 4 II.A.(i)]
- b. Allowable Penalty: Up to the statutory maximum for the instant offense.

PRIOR VIOLENT CRIMINAL CONDUCT

- a. Defendant has demonstrated, by his prior criminal history, a propensity for violent criminal conduct. (SEE POLICY NO. 4) [Standard 4 I.A.(i)]
- b. Recommended Penalties:
 1. With two or more prior, separate violent felonies --Up to the statutory maximum.
 2. With one prior violent felony -- up to 50% of the statutory maximum.

SUMMARY: STANDARD PRIOR HISTORY CATEGORIES FOR VIOLENT FELONIES

Category	Factor	Fel A	Fel B	Fel C	Fel D	Fel E	Fel F	Fel G
A	One or less prior felonies	Presumptive Sentence						
B	While on release or pending trial/sentencing	Level V for up to the time shown below:						
		25 yrs	10 yrs	5 yrs	4 yrs	2.5 yrs	1.5 yrs	1 yr
C	Two or more prior felonies	25 yrs	10 yrs	5 yrs	4 yrs	2.5 yrs	1.5 yrs	1 yr
D	One prior violent felony	25 yrs	10 yrs	5 yrs	4 yrs	2.5 yrs	1.5 yrs	1 yr
E	Two or more prior violent felonies	Life	25 yrs	15 yrs	8 yrs	5 yrs	3 yrs	2 yrs
F	Excessive Cruelty	Life	25 yrs	15 yrs	8 yrs	5 yrs	3 yrs	2 yrs

If violent crime is a secondary offense, use up to the presumptive sentence.

Aggravated Prior History Sentences at Level V for Nonviolent Felonies

H	Repetitive criminal history	NA	NA	24 months	Up this number of months:			
					24	15	9	6
J	Lack of amenability to lesser sanctions	NA	NA	24 months	Up to this number of months:			
					24	15	9	6

If nonviolent crime is a secondary offense, use the nonaggravated presumptive sentence.

Any Offense:

REPETITIVE CRIMINAL CONDUCT

Definition: Repetitive Criminal Conduct is conviction or adjudication for the same or similar offense on two or more previous, separate occasions. (SEE POLICY NO. 16)

NEED FOR CORRECTIONAL TREATMENT

The defendant is in need of correctional treatment which can be most effectively provided if he is placed in total confinement. [Standard 4 I.B]

UNDUE DEPRECIATION OF OFFENSE

It would unduly depreciate the seriousness of the offense to impose a sentence of other than total confinement. [Standard 4 I.D.]

MAJOR ECONOMIC OFFENSE OR SERIES OF OFFENSES:

Identified by a consideration of any of the following factors:

- a. The offense involved multiple victims or multiple incidents per victim;
- b. The offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- c. The offense involved a high degree of sophistication or planning, or occurred over a lengthy period of time;
- d. The defendant used his/her position of trust, confidence or fiduciary responsibility to facilitate the offense.

PRIOR ABUSE OF VICTIM:

On prior occasions, the defendant has harassed, threatened, or physically abused the victim of the current offense.

CUSTODY STATUS AT TIME OF OFFENSE:

The offender was on bail, early release from incarceration, or was serving a sentence in other than Level V at the time the offense was committed.

LACK OF REMORSE

The offender has demonstrated a total lack of remorse or acceptance of responsibility with regard to the offense.

BETRAYAL OF PUBLIC TRUST

The offender, in attempting to gain, or while holding, public office by appointment or election, betrayed the Public Trust by his or her unlawful conduct.

SUPERVISION TO MONITOR RESTITUTION

A long period of supervision is necessary to monitor the offender's restitution responsibilities. Penalty Note: Applicable to sentences involving **less than Level V time** only.

LACK OF AMENABILITY

The defendant has demonstrated a lack of amenability to lesser restrictive sanctions through violation of a prior period of probation, or a failure to meet the conditions of a prior or current period of probation.

VULNERABILITY OF VICTIM

The Defendant knew, or should have known, that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

STATUTORY AGGRAVATION

The current offense carries with it a statutory minimum mandatory period of incarceration which exceeds the sentencing guidelines.

STATUTORY HABITUAL OFFENDER

The Court, on motion, determined the defendant to be an habitual offender under the provisions of 11 Del.C., s4214, thus calling for a sentence of incarceration which exceeds the sentencing guidelines.

CHILD DOMESTIC VIOLENCE VICTIM

The person who is a victim in domestic violence is a child.

OFFENSE AGAINST A CHILD

The victim in the offense was a child under 16 years old.

Description of MITIGATING FACTORS For Exceptional Sentences
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VICTIM INVOLVEMENT:

To a significant degree, the victim was an initiator, willing participant, aggressor, or instigator of the incident.

VOLUNTARY REDRESS OR TREATMENT:

Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained, or, before detection, he voluntarily sought professional help for drug/alcohol treatment, or for any other recognized compulsive behavioral disorders related to the offense.

UNDER DURESS OR COMPULSION:

The defendant committed the crime under duress, coercion, emotional distress, threat or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

INDUCEMENT BY OTHERS:

The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

PHYSICAL/MENTAL IMPAIRMENT:

The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants (drugs or alcohol) does not fall within the purview of this circumstance.

CONCERN FOR VICTIM BY NON-PRINCIPAL:

The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

NO PRIOR CONVICTIONS**TREATMENT NEED EXCEEDS NEED FOR PUNISHMENT:**

The offender is in greater need of an available treatment program than of punishment through incarceration.

COULD LOSE EMPLOYMENT:

The offender is gainfully employed and will more than likely lose his/her job if the sentencing standard is imposed.

STATUTORY MITIGATION

- Regarding violation of 16 Del.C., §4752 or §4761(2), see 16 Del.C., §4763(b)(1).
- Regarding violation of 16 Del.C., §4754, see 16 Del.C., §4763(b)(2).
- Regarding violation of 16 Del.C., §4753 or §4754, see 16 Del.C., §4764.

ASSISTANCE TO PROSECUTION:

Defendant rendered substantial assistance to Authorities in the investigation and/or prosecution of this or other crimes.

MENTAL RETARDATION

- a. Defendant is "significantly sub average in general intellectual function" (usually interpreted as an IQ score of 70 or less); AND
- b. "has deficits in adaptive behavior" (has insufficient life skills to get along without constant assistance from others); AND
- c. "manifested the above handicaps during the developmental period". (usually interpreted as having experienced the onset of handicap at the age of 21 or younger).

SUBSTANTIAL ASSISTANCE

Title 11 Section 4220. Modification, suspension or reduction of sentence for substantial assistance.

(a) The Attorney General may move the sentencing court to modify, reduce or suspend the sentence of any person who is convicted of any crime or offense specified in this Code, and who provides substantial assistance in the identification, arrest or prosecution of any other person for a crime or offense specified in this Code, in the laws of the United States, or any other state or territory of the United States.

(c) The provisions of Sections 4204(d) or 4217 of this Title, any court rule or any other provision of law to the contrary notwithstanding, a judge of the Court that is imposing or that has imposed a sentence, upon hearing a motion filed pursuant to subsection (a) of this section, may modify, reduce or suspend that sentence, including any minimum mandatory, or a portion thereof, if the Court finds that the person rendered such substantial assistance.

EXCEPTIONAL SENTENCES

Special Categories:

Domestic Violence

The particular nature of criminal charges involving domestic violence may be considered as deserving of aggravated punishment, for example, those cases where there have been repeated incidences prior to the first formal charge in Court, **and those cases where children the witnesses or victims of domestic violence.** If aggravating circumstances are present, the following recommendations are presented below. If the guidelines in this category are used, the sentencing order/worksheet must identify the charge as "Domestic Violence Involved".

Class A Misdemeanors

Statutory Range - 0 To 1 Years

11-603	Reckless Endangering 2nd Degree
11-611	Assault 3rd Degree
11-621	Terroristic Threatening
11-766	Incest
11-767	Unlawful Sexual Contact 3rd Degree
11-781	Unlawful Imprisonment 2nd Degree
11-785	Interference with Custody
11-791	Coercion
11-1101	Abandonment of Child
11-1102	Endangering Welfare of Child
11-1271A	Criminal Contempt: DV Protection Order
11-1311	Harassment

Presumptive Sentence	Level	Time
1st Offense	V	Up To 1 Month
2nd Offense w/in 2 years	V	Up to 2 Months
3rd Offense w/in 5 years	V	Up To 3 Months

Unclassified Misdemeanors

Statutory Range - 0 to 30 days

11-601	Offensive Touching	Presumptive Sentence	Level	Time
11-602	Menacing	Any offense	V	Up To 1 month
11-763	Sexual Harassment			
11-1301	Disorderly Conduct			

Enhanced Penalties applicable when:

Children are present during the crime OR are victims of the offense against a co-defendant if a conspirator was under the age of 14 and the codefendant was 4 or more years older than the child at the time of the crime. (Enhanced penalty for ANY crime)

Enhanced Presumptive Sentence:	Level	Time
Any Non-Violent Felony G	II	12 months or more
Misdemeanor Class A or B:		
1st Offense	V	1 to 2 months
2nd Offense in 2 years	V	2 to 3 months
3rd Offense in 5 years	V	3 or more months
Any Unclassified Misdemeanor	V	1 or more months

EXCEPTIONAL SENTENCES

Special Categories:

Escape

Due to the peculiar nature of escape charges, which may be considered as deserving aggravated punishment even though they are primarily non-violent in nature, the following recommendations are presented:

11-1251	Escape 3rd Degree	0 to 1 m @ Level V
11-1252	Escape 2nd Degree	0 to 3 m @ Level V
11-1253	Escape After Conviction (Class D Felony Violent)	0 to 2 yrs @ Level V
11-1253	Escape After Conviction (Force/Threat/DW)(Class C Fel Violent)	1 to 3 yrs @ Level V
11-1253	Escape After Conviction (Injury)(Class B Felony Violent)	2 to 5 yrs @ Level V

ESCAPE FROM LEVEL IV FACILITY

(Applies to all Half-Way House and Residential Treatment facilities)

1st offense	Level V for 30 days (Title 11, §4204(k))
2nd offense	Level V for 90 days (Title 11, §4204(k))
3rd & subsequent offense	Level V for 180 days (Title 11, §4204(k))

Presumptive penalty for a first escape from Home Confinement is a lateral assignment to a Half-way House facility.

Sentencing Orders and worksheets should reflect the status as a Level IV Escape.

Policy 31: Any person arrested on a charge of escape from any Correctional facility, including both Level V and Level IV facilities, should be returned by the court to a Level V secured facility pending such hearings as may ensue from the charge. Persons charged with such escapes should not be released on bond.

Exceptional Sentences:

Habitual Criminal

§4214(a)- 3 Prior Felony Convictions

- If an offender has been convicted three times of a felony, other than those mentioned in subsection (b), and is thereafter convicted of a subsequent felony, that offender is declared to be an habitual criminal.
- The Court May, In Its Discretion, Sentence the Offender to any sentence up to life imprisonment.
- The Court Shall Sentence the Offender to a minimum sentence of the statutory maximum for the fourth or subsequent felony when it is a Title 11 Violent Felony as defined in §4201.
- A life sentence under this section shall be served in its entirety at a full custodial Level V institutional setting and is not subject to Suspension, Probation, Parole, Earned Good Time or any other reduction.
- A sentence for less than life under this section shall be served in its entirety at a full custodial Level V institutional setting and is not subject to Suspension, Probation, or Parole except the provisions contained within §§4205(h)²¹, 4217,²² 4381²³ and 4382²⁴ of this title.

§4214(b)- 2 Prior Specifically Enumerated Felony Convictions

- If an offender has been convicted two times of a specifically enumerated felony or its equivalent or an attempt of the same, and who shall be subsequently convicted of another of the enumerated felonies, that offender is declared to be an habitual criminal.
- The Court Shall Sentence the Offender to Life unless the sentence of Death has been imposed.
- A life sentence under this section shall be served in its entirety at a full custodial Level V institutional setting without benefit of Probation, Parole, Earned Good Time or any other reduction.
- A life sentence under this section shall not be subject to the Probation or Parole provisions of Chapter 43 of this Title.

11-606	Abuse of a Pregnant Female 1st Degree
11-613	Assault 1st Degree
11-615	Assault by Abuse
11-632	Manslaughter
11-635	Murder 2nd Degree
11-636	Murder 1st Degree
11-763	Rape 2nd Degree
11-764	Rape 1st Degree
11-766	Sodomy 1st Degree
11-771	Rape 3rd Degree
11-772	Rape 2nd Degree

²¹ Title 11, §4205(h): D.O.C. may house inmates at a Level IV halfway house or work-release for the last 180d. of sentence.

²² Title 11, §4217: D.O.C. may apply to Parole Board who may approve and thereafter apply to Court for modification based on good cause, i.e. exceptional rehabilitation, serious illness or overcrowding.

²³ Title 11, §4381: Earned good time.

²⁴ Title 11, §4382: Forfeiture of good time.

11-773	Rape 1st Degree
11-783	Kidnapping 2nd Degree
11-783A	Kidnapping 1st Degree
11-803	Arson 1st Degree
11-825	Burglary 2nd Degree
11-826	Burglary 1st Degree
11-832	Robbery 1st Degree
11-836	Carjacking 1st Degree
16-4751	Manufacture/Deliver/PWID Narcotic
16-4752	Manufacture/Deliver/PWID Nonnarcotic Controlled Substance
16-4752A	Unlawful Delivery/Attempt Noncontrolled Substance
16-4753A	Trafficking in Marijuana, Cocaine, Illegal Drugs or Methamphetamine

- (c) A person who was convicted prior to July 1, 1973 of any of the hereinafter enumerated crimes shall be considered an habitual criminal as described in subsection (b) and shall be sentenced accordingly:

Arson 1st Degree	Kidnapping
Burglary 1st Degree	Abducting Child Under 12 y.o.a.
Burglary 2nd Degree	Kidnapping Child Under 15 y.o.a.
Murder 1st Degree	Maiming by Lying in Wait
Murder 2nd Degree	Rape
Manslaughter (except involuntary)	Assault w/Intent to Commit Rape
Manslaughter by Motor Vehicle	Robbery
Assault w/Intent to Murder	Assault w/Intent to Commit Robbery
Poisoning w/Intent to Murder	

VIOLATION OF PROBATION SENTENCING POLICY

When a violation of probation hearing is held and determination is made that the offender is guilty of the violation and probation is to be revoked, it is presumed that the offender may move up only one SENTAC level from his/her current level.

AGGRAVATING CIRCUMSTANCES

An offender may have his/her level of supervision raised more than one level if any of the following aggravating circumstances exists:

- A. Conviction of a new offense which was a felony, a violent misdemeanor, or an offense requiring a mandatory sentence.
- B. The violation is a violation of a special treatment condition , e.g., offender willfully refuses to attend the ordered program and, as a result of such refusal, poses a substantial threat to the community or himself. Confinement in this instance should be short-term and could consist of either a Level IV (quasi-incarceration) or a Level V (incarceration), situation until treatment is arranged.
- C. The offender has demonstrated willful failure to make court-ordered payments, and no other alternatives are possible, or those alternatives would depreciate the seriousness of the offense.
- D. The offender is found to be in possession of a weapon, leading to the violation, and the offender has a past history of violence, drug trafficking or weapons violations.
- E. The behavior of the offender represents an immediate threat to the community or an identified victim.
- F. The behavior of the offender is repetitive and flagrantly defies the authority of the court.

Length of Level V Sentences - SENTAC Standard

When a period of incarceration is determined to be the sanction of choice for a violation of probation, a Level V sanction should be in accordance with the current SENTAC standard presumptive sentence for the original crime for which the probation is being served. If the presumptive sentence is less than level V, the sentence for violation of probation should be UP TO 25% of the statutory maximum.

Effective June 30, 1990, all Violation of Probation sentences must be designated as to whether they are "Truth in Sentencing" or "Non TIS" sentences. A defendant who had an original non-TIS sentence and is violated may not be given a TIS sentence for the violation, unless he specifically agrees thereto, and the sentence is given in relation to TIS guidelines. Designation is imperative so that DOC can maintain proper records on the time to be served, goodtime credits, and parole eligibility.

1. Sentencing orders (and worksheet forms) should refer to all violations as "Violation of Level ____ ", where the blank contains the current level designation.
2. In addition to the above designation, all violation orders, regardless of specific format, should contain the following information:
 - Client name, Effective date of sentence, Original offense, Type of action: i.e. terminated, continued, modified, or revoked as defined above. New sentence Level(s) and time(s), TIS or NON-TIS status, Aggravating factor(s): if necessary due to a two- level (or more) increase, or a longer than standard sentence length at Level V.

Glossary of Violation of Probation Terms:

Continuation

An order may be entered continuing a probationer on probation where there has been a finding of a violation of probation or a finding that there has been no established violation of probation, and the same conditions remain in place after the finding is entered.

Discharge as Unimproved

An order may be entered discharging a probationer as unimproved upon recommendation of the probation officer or at the discretion of the Court, when the Court determines that continued supervision of the probationer is unlikely to have a beneficial effect, even though one or more terms of the probation order have not been fulfilled.

Modification

An order modifying probation may be ordered when the Court finds that a violation has occurred and the probationer should be kept at the same level or placed at a lower level with additional, more restrictive requirements or altered requirements to more realistically assist the management of the supervision of the probationer.

Probation

As referenced in this section, shall be any sentence of supervision at a level less than incarceration at Level V which is imposed in lieu of, or in addition to, any sentence to said Level V as a result of conviction for any criminal offense.

Repetitive Behavior

The offender persists, after notice, in actions which constitute a pattern of behavior which repeats a past record of non-amenability to community sanctions.

Revocation

An order revoking probation may be entered when it is the intention of the Court to raise the level of intensity of supervision after finding that probation has been violated.

Substantial Risk

The threat of repetitive violations or causing physical injury to self or others is high.

Willful Failure to Pay

A failure to pay a monetary obligation despite the availability of resources with which to pay the obligation, or the refusal to take steps to obtain the resources to pay the obligation.

WORK RELEASE POLICY (Department of Correction/Bureau of Prisons)

A program permitting an inmate of proper custody status to work in the community at paid employment. The inmate is still assigned to a Halfway House/Work Release Center when not working or participating in extracurricular programs. Inmates meeting the following standards may be given consideration.

Inmates within 36 months to short-time release date and 9 months to parole eligibility. (Non- TIS offenders only.)

Inmates convicted of a violent crime against person(s) and served more than a year at Level V must have a mental evaluation prior to being considered for the program.

MDT must review and recommend placement.

Inmates with minor open charges can be approved and will be expected to clear the charges; i.e., motor vehicle offenses.

Inmates serving a sentence for a third DUI offense occurring within 5 years from a prior offense are not eligible for work release during the first 3 months of the sentence imposed.

Inmates serving a sentence for a fourth or subsequent offense occurring any time after 3 prior offenses are not eligible for work release during the first 6 months of the original sentence imposed.

Truth In Sentencing Inmates

1. Sentenced to one year or more under Truth in Sentencing if they are in the last 180 days of their sentence.
2. Truth in Sentencing inmates sentenced to less than 1 year provided, however, the first 5 days be served at Level V, may be classified to work release, unless the court states otherwise.

Inmates serving a Level V sentence with a Level IV sentence to follow.

Inmates must not have had any Class I or major conduct offenses within the last 6 months prior to consideration.

Inmates in the following categories **will not** be given consideration in this program due to either statutory or departmental/bureau policy.

1. Class A Felons, those committed as a Habitual Criminal or those previously convicted of two or more offenses listed herein on page 8 or 9 until within six months of the date of release from custody.
2. Any offender convicted of a sex offense, including but not limited to offenders convicted of any of the following offenses: Unlawful sexual contact in the First or Second Degree, Unlawful sexual penetration in the First, Second, or Third Degree, Unlawful sexual intercourse in the First, Second, or Third Degree, Sexual Extortion, Continuous sexual abuse of a child, Dangerous crimes against a child, Sexual exploitation of a child, Unlawfully dealing in material depicting a child in a prohibited sexual act, or Subsequent convictions of Sec. 1108 or Sec. 1109.
3. Inmates with detainer, unless the detaining authority has given specific written approval for work release.
4. Inmates serving a sentence under 4204K, unless the sentencing judge specifies that work release is allowed.
5. Inmates convicted of escape after conviction or escape 2nd and are never eligible for work release.

Inmates serving minimum mandatory sentences for trafficking are not eligible until the mandatory portion of their sentence is completed. Those serving minimum mandatory sentences for other offenses are eligible after serving 50%t of the minimum mandatory, unless minimum term is set by statute. (Non TIS offenders only.)

Conditions of Supervision

1. You must not commit a new criminal offense or moving motor vehicle offense during the supervision period.
2. You must report any new arrest, conviction, or police contact within 72 hours to your Supervising Officer.
3. You must report to your Supervising Officer at such times and places as directed, and permit the Probation/Parole Officer to enter your home and/or visit places of employment.
4. You must have authorization from your Supervising Officer to leave the State of Delaware or your approved state of residence.
5. You must report any changes of residence and/or employment within 72 hours to you Supervising Officer.
6. You must have written approval from your Supervising Officer to own, possess, or be in control of any firearm or deadly weapon. (NOTE: Del. Code Title 11, Section 1448 prohibits purchase, possession, ownership, or control of any deadly weapon by persons convicted of a felony, crime of violence, drug offense, or commitment for a mental disorder.)
7. You are not to possess or consume a controlled substance or other dangerous drugs unless prescribed lawfully. You are subject to random testing as directed by your Supervising Officer.
8. You must pay a supervision fee as required by State Law in accordance with a schedule as established by the Department of Correction.
9. You must comply with any Special Conditions imposed at any time by your Supervising Officer, the Court and/or the Board of Parole.
10. You must not quit a job, training program, or school without prior approval of your Supervising Officer.
11. You must be employed full-time or active in job training or school on a full-time basis. If not, you must attend a Job Search Program or perform Community Service on a schedule established by the Supervising Officer.
12. You must participate in 0-35 hours of community service each week as directed by your Supervising Officer.
13. You must abide by a curfew established by your Supervising Officer.

Sex Offender Additional Standard Conditions of Supervision

The following additional standard conditions of probation may be required by the Department of Correction in the supervision of defendants who have been convicted of a sex offense or those whose criminal record reflects a prior conviction of such offenses. The Commission expects the Department of Correction to review the needs of each individual defendant and impose only those additional conditions needed to appropriately supervise the defendant.

1. Participate in sex offender assessment, evaluation, and treatment as determined by the Department of Correction. The offenders will be financially responsible for all examinations and treatment unless the Department of Correction finds the offender is financially unable to pay.
2. Prohibit access or possession of sexually explicit and/or obscene material unless approved by the Probation Officer.
3. Comply with all statutory requirements imposed upon individuals convicted of a sex offense including but not limited to compliance with 11 Del. Code Section 8510 requiring the submission of photographs, fingerprints and identification, sex offender registration (11 Del. Code Section 4120), community notification (11 Del. Code Section 4121), and DNA collection (29 Del. Code Section 4713) and limitations regarding contact with school zones (11 Del. Code Section 1112).
4. Prohibit contact or residing with children under the age of 18 unless approved by the Probation Officer.
5. Prohibit access, possession or control over or use of a computer device, modem or network interface device. Any device or storage medium of an offender whose use has been approved by the Department of Correction is subject to random examination by the Probation Officer to determine compliance with this requirement. Using a computer modem or network interface device for any purpose which might further

sexual activity is strictly prohibited. If violation of this provision is found, the Department of Correction may seize the computer, related equipment and storage devices.

6. To require submission to polygraph testing to assist in the treatment and supervision of the offender. The failure of a polygraph test alone may not be a basis to violate the offender's probation.
7. Require no contact with the victim of the crime unless otherwise approved by the Probation Officer.

LEGISLATIVE UPDATE

Compilation of changes affecting the Benchbook from the 145th General Assembly listed by statute number (as of September 2009). The changes herein listed have also been included under the Classifications and Notations and take into account all House and Senate amendments and substitutions.

TITLE 11

Substantial Assistance

§ 222(4): Synopsis- Creates a new statute that is patterned after and replaces the substantial assistance provision in Delaware’s drug trafficking statute but that is broader as it applies to any criminal sentencing. It provides the Attorney General the discretion to move sentencing court to sentence a convicted defendant who has provided substantial assistance to the State to a lesser term than is otherwise called for by law or to modify or reduce the sentence of one who has been previously sentenced and provides substantial assistance. This Act allows a sentencing court to suspend or reduce minimum mandatory sentences for those who provide substantial assistance to law enforcement.

Amend Chapter 42 of Title 11 of the Delaware Code by adding a new section § 4220 thereto to read as follows:

“§ 4220. Modification, suspension or reduction of sentence for substantial assistance.

- (a) The Attorney General may move the sentencing court to modify, reduce or suspend the sentence of any person who is convicted of any crime or offense specified in this Code, and who provides substantial assistance in the identification, arrest or prosecution of any other person for a crime or offense specified in this Code, in the laws of the United States, or any other state or territory of the United States.
- (b) Upon good cause shown, any motion made pursuant to subsection (a) of this section may be filed and heard in camera.
- (c) The provisions of §§ 4204(d) or 4217 of this Title, any court rule or any other provision of law to the contrary notwithstanding, a judge of the Court that is imposing or that has imposed a sentence, upon hearing a motion filed pursuant to subsection (a) of this section, may modify, reduce or suspend that sentence, or a portion thereof, if the Court finds that the person rendered such substantial assistance.”

Section 4753A(c) of Title 16 of the Delaware Code is hereby repealed.

§ 4220 reads as follows:

§ 4220. Modification, suspension or reduction of sentence for substantial assistance.

(a) The Attorney General may move the sentencing court to modify, reduce or suspend the sentence of any person who is convicted of any crime or offense specified in this Code, and who provides substantial assistance in the identification, arrest or prosecution of any other person for a crime or offense specified in this Code, in the laws of the United States, or any other state or territory of the United States.

(b) Upon good cause shown, any motion made pursuant to subsection (a) of this section may be filed and heard in camera.

(c) The provisions of §§ 4204(d) or 4217 of this title, any court rule or any other provision of law to the contrary notwithstanding, a judge of the court that is imposing or that has imposed a sentence, upon hearing a motion filed pursuant to subsection (a) of this section, may modify, reduce or suspend that sentence, including any minimum or mandatory sentence, or a portion thereof, if the court finds that the person rendered such substantial assistance.

Sex Offender

§ 779A(e)(1) and 779(e)(2): Synopsis - increases the criminal penalties of §779A, Title 11 of the Delaware Code against a person who has previously been convicted of a sex offense and is on the sex offender registry who then commits a sex offense against a child under the age of twelve years. This Act would make the penalty for a sex offender who commits a sex offense classified as a misdemeanor against a child under twelve years of age a class C felony. This Act would make the penalty for a sex offender who commits a sex offense classified as a class C, D, E, F, or G felony a class B felony.

Amend §779A(e)(1), Title 11 of the Delaware Code by inserting after the word “felony” and before the semicolon “;” the language “except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class C felony”.

Amend §779A(e)(2), Title 11 of the Delaware Code by inserting after the language “than the underlying offense” and before the semicolon “;” the language “except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony”.

§ 779A reads as follows:

§ 779A. Sex offender unlawful sexual conduct against a child.

(a) A sex offender who knowingly commits any sexual offense against a child is guilty of sex offender unlawful sexual conduct against a child.

(b) For purposes of this section, the term "sex offender" shall mean any person registered or required to be registered pursuant to § § 4120(b)(1) and 4121(a)(4) of this title, or the laws of any other state, the United States or any territory of the United States.

(c) For purposes of this section, the term "sexual offense" shall mean any offense designated as a sexual offense by § 761(g) of this title.

(d) For purposes of this section, the term "child" shall mean any individual who has not reached that child's eighteenth birthday. If the underlying sexual offense involves an offense defined by §§ 1108, 1109, 1110, 1111 and 1112A of this title, the term "child" shall also mean any individual who is intended by the defendant to appear to be 14 years of age or less. A sex offender who knowingly possesses any material prohibited by § 1111 of this title is committing an offense against a child for purposes of this section.

(e) Sex offender unlawful sexual conduct against a child shall be punished as follows:

(1) If the underlying sexual offense is a misdemeanor, the crime of sex offender unlawful sexual conduct against a child shall be a class G felony except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class C felony;

(2) If the underlying sexual offense is a class C, D, E, F, or G felony, the crime of sex offender unlawful sexual conduct against a child shall be a felony 1 grade higher than the underlying offense except where the child against whom a sexual offense is committed is a child younger than 12 years of age in which case the crime of sex offender unlawful sexual conduct against a child shall be a class B felony;

(3) If the underlying sexual offense is a misdemeanor and the victim is under 18 years of age and has a cognitive disability, the crime of sex offender unlawful sexual conduct against a child shall be a class C felony;

(4) If the underlying sexual offense is a class C, D, E, F, or G felony and the victim is under 18 years of age and has a cognitive disability, the crime of sex offender unlawful sexual conduct against a child shall be a class B felony;

(5) If the underlying sexual offense is a class A or B felony, the crime of sex offender unlawful sexual conduct against a child shall be the same grade as the underlying offense, and the minimum sentence of imprisonment required for the underlying offense shall be doubled.

(f) The provisions of this section shall not apply if the defendant is also a child.

[76 Del. Laws, c. 66, § 2](#); [77 Del. Laws, c. 149, §§ 1, 2](#); [77 Del. Laws, c. 150, § 4](#);

Graffiti

§ 812(a) (2): Synopsis - increases the minimum fine for the first offense of Graffiti from "\$500" to "\$1000" and increases the hours of community service from "200" to "250". The bill also increases the

minimum fine for the second or subsequent offense of graffiti to “\$2000” and increases the hours of community services to “500” hours.

Amend §812(a)(2), Title 11 of the Delaware Code by deleting the language “\$500” as it appears therein and inserting in lieu thereof the language “\$1000”.

Amend §812(a)(2), Title 11 of the Delaware Code by deleting the language “200” as it appears therein and substituting in lieu thereof the language “250”.

§ 812 reads as follows:

§ 812. Graffiti and possession of graffiti implements; class G felony; class A misdemeanor; class B misdemeanor.

(a)(1) A person is guilty of the act of graffiti when the person intentionally, knowingly or recklessly draws, paints, etches or makes any significant mark or inscription upon any public or private, real or personal property of another without the permission of the owner.

(2) Graffiti is a class A misdemeanor, unless the property damage caused thereby exceeds \$1500, in which case it is a class G felony. The penalty for graffiti shall include a minimum fine of not less than \$1000 which shall not be subject to suspension, restitution for damages to the property and 250 hours of community service, at least half of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of an act of graffiti.

(b)(1) A person is guilty of possession of graffiti implements when the person possesses any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which that person has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under circumstances evidencing an intent to use the same in order to commit an act of graffiti or damage such property.

(2) Possession of graffiti implements is a class B misdemeanor. The penalty for possession of graffiti implements shall include a minimum fine of not less than \$500 which shall not be subject to suspension, restitution for damages to the property and 100 hours of community service, at least half of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of possession of graffiti implements.

71 Del. Laws, c. 464, § 1; 70 Del. Laws, c. 186, § 1; [75 Del. Laws, c. 68, § 1](#); [76 Del. Laws, c. 377, § 1](#); [77 Del. Laws, c. 181, §§ 1, 2](#);

Possession of or Theft of Prescription Pads

§ 841C: Synopsis - In recent years there has been a significant rise in the abuse of prescription drugs and controlled substances. There has also been a significant increase in prescription fraud, such as tampering with and forgery of prescription forms for the purpose of obtaining controlled substances to use or sell illegally.

In 2008, the General Assembly passed legislation which requires practitioners in the State of Delaware to use a statewide/universal prescription form with certain markers making the form tamper or forgery resistant.

This Bill creates a new offense which makes it a crime to be in possession of a blank prescription form or pad if you are not a practitioner as defined in this section. It also makes it a crime to take exercise control over, produce or reproduce transfer, use, give or sell a prescription form or pad of a practitioner with the intent to deprive him or her of it.

Amend Subchapter III, Title 11 of the Delaware Code by adding a new § 841C to state as follows:

“§ 841C. Possession or Theft of a Prescription Form or a Pad.

(a) A person in possession of a blank prescription form or pad who is not a practitioner as defined in this section shall be guilty of a Class G Felony. “Possession” in addition to its ordinary meaning, includes location on or about the defendant’s person, premises, belongings, vehicle or otherwise within the defendant’s reasonable control.

(b) A person is guilty of theft of a blank prescription form or pad when the person is not a practitioner as defined in this section and takes, exercises control over, obtains or receives, produces or reproduces any facsimile or counterfeit version of, or transfers, uses, gives, or sells any copies, facsimiles or counterfeit versions, a prescription form or pad of a practitioner with the intent to deprive the practitioner of the use thereof or to facilitate the commission of drug diversion.

(1) A ‘Practitioner’ means:

a. A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled or non-controlled substance in the course of professional practice or research in this State.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled or non-controlled substance in the course of professional practice or research in this State.

(2) Theft of a blank prescription form or pad is a Class F Felony.”

§ 841C reads as follows:

§ 841C. Possession or theft of a prescription form or a pad.

(a) A person in possession of a blank prescription form or pad who is not a practitioner as defined in this section shall be guilty of a class G felony. "Possession" in addition to its ordinary meaning, includes location on or about the defendant's person, premises, belongings, vehicle or otherwise within the defendant's reasonable control.

(b) A person is guilty of theft of a blank prescription form or pad when the person is not a practitioner as defined in this section and takes, exercises control over, obtains or receives, produces or reproduces any facsimile or counterfeit version of, or transfers, uses, gives, or sells any copies, facsimiles or counterfeit versions, a prescription form or pad of a practitioner with the intent to deprive the practitioner of the use thereof or to facilitate the commission of drug diversion.

(1) A "practitioner" means:

a. A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled or noncontrolled substance in the course of professional practice or research in this State.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled or noncontrolled substance in the course of professional practice or research in this State.

(2) Theft of a blank prescription form or pad is a class F felony.

[77 Del. Laws, c. 161, § 1.](#);

Theft Offenses

§ 811, 840, 840A, 841(c)(1), 841(c)(2), 848, 849, 851, 852A, 900, 900A, 903(c)(1), 903(c)(2), 916, 917, 939: Synopsis - This bill implements the recommendations of the Delaware Sentencing Accountability Commission (SENTAC) relating to the classification of property crimes. The bill increases the demarcation line between Class G felonies and Class A misdemeanors in 11 Delaware Code §840, §840A, §841(c)(1), §848, §849, §851, §852A, §900, §903(c)(1), and §917 from \$1,000 to \$1,500; in 11 Delaware Code §916 and §939 from \$500 to \$1,500; and in 11 Delaware Code §811 from \$1,500 to

\$5,000. The bill increases the demarcation line between Class F felonies and Class G felonies in 11 Delaware Code §841(c)(2) and §903(c)(2) from \$1,000 to \$1,500. The bill harmonizes the penalties for computer crimes in 11 Delaware Code §939 with the penalties for other property crimes. The bill will continue to ensure that the Superior Court only receives the more serious property crimes cases, and will harmonize the penalty structure for financial crimes that are primarily classified based on the value of the property affected so that like crimes are treated alike. The bill also increases the limitation in 11 Delaware Code §900A for a conditional discharge for issuing a bad check to \$1,500.

Amend §840, Title 11 of the Delaware Code by striking the text “\$1,000” each time it appears therein, and by replacing it with the text “\$1,500”.

Amend §840A, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §841, Title 11 of the Delaware Code by striking the text “\$1,000 or greater” each time it appears therein, and by replacing it with the text “\$1,500 or more”.

Amend §848, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §849, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §851, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §852A, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §900, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §900A, Title 11 of the Delaware Code by striking the text “\$1,000” and replacing it with the text “\$1,500”.

Amend §903, Title 11 of the Delaware Code by striking the text “exceeds \$1,000” each time it appears therein, and by replacing it with the text “is \$1,500 or more”.

Amend §916, Title 11 of the Delaware Code by striking the text “\$500” and replacing it with the text “\$1,500”.

Amend §917, Title 11 of the Delaware Code by striking the text “at least \$1,000” each time it appears therein, and by replacing it with the text “\$1,500 or more”.

Amend §939, Title 11 of the Delaware Code by striking the text “exceeds \$1,000” and replacing it with the text “is \$1,500 or more”; by striking the text “class F” and replacing it with the text “class G”; by striking, in current subsection (e), the text “\$500 or less” and replacing it with the text “under \$1,500”; by striking, in current subsection (e), the text “fifth” each time it appears therein, and by

replacing it with the text “fourth”; by deleting current subsection (d) in its entirety; and by redesignating current subsections (e), (f), (g), (h), and (i) thereof as subsections (d), (e), (f), (g), and (h) thereof.

Amend §811(b)(1), Title 11 of the Delaware Code by striking the text “\$1,500” and replacing it with the text “\$5,000”.

§ 811 reads as follows:

§ 811. Criminal mischief; classification of crime; defense.

(a) A person is guilty of criminal mischief when the person intentionally or recklessly:

(1) Damages tangible property of another person; or

(2) Tamper with tangible property of another person so as to endanger person or property; or

(3) Tamper or makes connection with tangible property of a gas, electric, steam or waterworks corporation, telegraph or telephone corporation or other public utility, except that in any prosecution under this subsection it is an affirmative defense that the accused engaged in the conduct charged to constitute an offense for a lawful purpose.

(b) Criminal mischief is punished as follows:

(1) Criminal mischief is a class G felony if the actor intentionally causes pecuniary loss of \$5,000 or more, or if the actor intentionally causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service;

(2) Criminal mischief is a class A misdemeanor if the actor intentionally or recklessly causes pecuniary loss in excess of \$1,000;

(3) Otherwise criminal mischief is an unclassified misdemeanor.

(c) It is a defense that the defendant has a reasonable ground to believe that the defendant has a right to engage in the conduct set forth in subsection (a) of this section.

11 Del. C. 1953, § 811; 58 Del. Laws, c. 497, § 1; 60 Del. Laws, c. 590, § 6; 65 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 211, § 1; [77 Del. Laws, c. 133, § 14](#);

§ 840, 840A, and 841 read as follows:

§ 840. Shoplifting; class G felony; class A misdemeanor.

(a) A person is guilty of shoplifting if, while in a mercantile establishment in which goods, wares or merchandise are displayed for sale, the person:

(1) Removes any such goods, wares or merchandise from the immediate use of display or from any other place within the establishment, with intent to appropriate the same to the use of the person so

taking, or to deprive the owner of the use, the value or possession thereof without paying to the owner the value thereof; or

(2) Obtains possession of any goods, wares or merchandise by charging the same to any person without the authority of such person or to a fictitious person with a like intent; or

(3) Conceals any such goods, wares or merchandise with like intent; or

(4) Alters, removes or otherwise disfigures any label, price tag or marking upon any such goods, wares or merchandise with a like intent; or

(5) Transfers any goods, wares or merchandise from a container in which same shall be displayed or packaged to any other container with like intent; or

(6) Uses any instrument whatsoever, credit slips or chose in action to obtain any goods, wares or merchandise with intent to appropriate the same to the use of the person so taking or to deprive the owner of the use, the value or the possession thereof without paying to the owner the value thereof.

(b) Any person wilfully concealing unpurchased merchandise of any store or other mercantile establishment, inside or outside the premises of such store or other mercantile establishment, shall be presumed to have so concealed such merchandise with the intention of converting the same to the person's own use without paying the purchase price thereof within the meaning of subsection (a) of this section, and the finding of such merchandise concealed upon the person or among the belongings of such person, outside of such store or other mercantile establishment, shall be presumptive evidence of intentional concealment; and if such person conceals or causes to be concealed such merchandise upon the person or among the belongings of another, the finding of the same shall also be presumptive evidence of intentional concealment on the part of the person so concealing such merchandise.

(c) A merchant, a store supervisor, agent or employee of the merchant 18 years of age or older, who has probable cause for believing that a person has intentionally concealed unpurchased merchandise or has committed shoplifting as defined in subsection (a) of this section, may, for the purpose of summoning a law-enforcement officer, take the person into custody and detain the person in a reasonable manner on the premises for a reasonable time.

(d) A merchant, a store supervisor, agent or employee of the merchant 18 years of age or older who detains, or a merchant, a store supervisor, agent or employee of the merchant who causes or provides information leading to the arrest of any person under subsection (a), (b) or (c) of this section, shall not be held civilly or criminally liable for such detention or arrest provided they had, at the time of such detention or arrest, probable cause to believe that the person committed the crime of shoplifting as defined in subsection (a) of this section.

Shoplifting is a class G felony when the goods, wares or merchandise shoplifted are of the value of \$1,500 or more, or when the goods, wares or merchandise shoplifted are from 3 or more separate mercantile establishments and were shoplifted in the same or continuing course of conduct and the aggregate value of the goods is \$1,500 or more. When the goods, wares or merchandise shoplifted are of the value of less than \$1,500, it is a class A misdemeanor.

11 Del. C. 1953, § 840; 58 Del. Laws, c. 497, § 1; 60 Del. Laws, c. 590, § 1; 61 Del. Laws, c. 35, § 1; 61 Del. Laws, c. 482, § 1; 65 Del. Laws, c. 497, § 2; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 211, § 2; [72 Del. Laws, c. 222, § 1](#); [77 Del. Laws, c. 133, § 1](#);

§ 840A. Use of illegitimate retail sales receipt or Universal Product Code Label.

(a) A person who, with intent to cheat or defraud another, possesses, uses, transfers, makes, alters, counterfeits or reproduces a retail sales receipt or Universal Product Code Label is guilty of an offense under this section.

(b) A person convicted of violating this section shall be guilty of a class A misdemeanor, unless the person is convicted of possessing 15 or more illegitimate retail sales receipts or Universal Product Code Labels or the aggregate value of the money, property or services illegally obtained or credited to an account is \$1,500 or more, in which case it is a class F felony.

[73 Del. Laws, c. 31, § 1](#); [77 Del. Laws, c. 133, § 2](#);

§ 841. Theft; class G felony; class A misdemeanor; restitution.

(a) A person is guilty of theft when the person takes, exercises control over or obtains property of another person intending to deprive that person of it or appropriate it. Theft includes the acts described in this section, as well as those described in §§ 841A-846 of this title.

(b) A person is guilty of theft if the person, in any capacity, legally receives, takes, exercises control over or obtains property of another which is the subject of theft, and fraudulently converts same to the person's own use.

(c)(1) Except where a victim is 62 years of age or older, or an "infirm adult" as defined in § 3902(1) of Title 31, or a "disabled person" as defined in § 3901(a)(2) of Title 12, theft is a class A misdemeanor unless the value of the property received, retained or disposed of is \$1,500 or more, in which case it is a class G felony.

(2) Where a victim is 62 years of age or older, or an "infirm adult" as defined in § 3902(1) of Title 31, or a "disabled person" as defined in § 3901(a)(2) of Title 12, theft is a class G felony unless the value of the property received, retained or disposed of is \$1,500 or more, in which case it is a class F felony.

(3) Notwithstanding paragraphs (1) and (2) of this subsection:

a. Where the value of the property received, retained or disposed of is more than \$50,000 but less than \$100,000, theft is a class E felony;

b. Where the value of the property received, retained or disposed of is \$100,000 or more, theft is a class C felony.

(d) Upon conviction, the sentencing judge shall require full restitution to the victim for any monetary losses suffered and shall consider the imposition of community service and/or an appropriate curfew for a minor.

11 Del. C. 1953, § 841; 58 Del. Laws, c. 497, § 1; 60 Del. Laws, c. 590, § 2; 65 Del. Laws, c. 497, § 3; 67 Del. Laws, c. 130, § 8; 69 Del. Laws, c. 315, § 1; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 209, § 1; 70 Del. Laws, c. 364, §§ 1, 2; [73 Del. Laws, c. 126, §§ 10, 11](#); [76 Del. Laws, c. 98, § 3](#); [77 Del. Laws, c. 133, § 3](#);

§ 848 and 849 read as follows:

§ 848. Misapplication of property; class G felony; class A misdemeanor.

A person is guilty of misapplication of property when, knowingly possessing personal property of another pursuant to an agreement that it will be returned to the owner at a future time, the person sells, loans, leases, pledges, pawns or otherwise encumbers the property without the consent of the owner thereof in such a manner as to create a risk that the owner will be unable to recover it or will suffer pecuniary loss.

Misapplication of property is a class A misdemeanor, unless the value of the property received, retained or disposed of is \$1,500 or more, in which case it is a class G felony.

11 Del. C. 1953, § 848; 58 Del. Laws, c. 497, § 1; 60 Del. Laws, c. 590, § 3; 65 Del. Laws, c. 497, § 4; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 211, § 4; [77 Del. Laws, c. 133, § 4](#);

§ 849. Theft of rented property; class A misdemeanor or class G felony.

(a) A person is guilty of theft of rental property if the person, with the intent specified in § 841 of this title, takes, destroys, converts, wrongfully withholds or appropriates by fraud, deception, threat, false token, false representation or statement, or by any trick, contrivance or other device to avoid payment for or to otherwise appropriate rental property entrusted to said person. For purposes of this section, "property" shall include the use of vehicles or other movable property.

(b) If the finder of fact shall find:

(1) That one who has leased or rented the personal property of another, failed to return or make arrangements acceptable to the rentor (lessor) to return the property to the rentor or the rentor's agent within 10 days after proper notice, following the expiration of the rental (lease) contract; and/or

(2) That one who has leased or rented the personal property of another and has returned such property, failed to make payment, at the agreed rental rate, for the full period which the property was rented or leased, except when said person has a good faith dispute with the owner of the rental property as to whether any payment, or additional payment, is due to the owner of the rental property; and/or

(3) That the rentee (lessee) presented identification to the rentor which was materially false, fictitious or not current with respect to name, address, place of employment or other appropriate items,

then the finder of fact shall be permitted, but not required, to presume intent to commit theft.

(c) As used in subsection (b) of this section, "proper notice" shall consist of a written demand by the rentor made after the expiration of the rental period mailed by certified or registered mail to the rentee at:

(1) The address the rentee gave when the rental contract was made; or

(2) The rentee's last known address if later furnished in writing by the rentee or the rentee's agent.

(d) The reasonable and fair market value of the property obtained shall be utilized in determining the amount involved in the theft.

(e) The following 3 factors, if established by the rentee by a preponderance of the evidence, shall constitute an affirmative defense to prosecution for theft, that the rentee:

(1) Accurately stated the rentee's name, address and other material items of identification at the time of the rental;

(2) Failed to receive the rentor's notice personally due in no significant part to the fault of the rentee; and

(3) Returned the personal property to the rentor or the rentor's agent within 48 hours of the commencement of the prosecution, together with any charges for the overdue period and the value of damages (if any) to the property.

Theft of rented property is a class A misdemeanor, unless the value of the property is \$1,500 or more, in which case it is a class G felony.

69 Del. Laws, c. 110, § 1; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 211, § 5; 70 Del. Laws, c. 260, §§ 1-3; [77 Del. Laws, c. 133, § 5](#);

§ 851 and 852A read as follows:

§ 851. Receiving stolen property; class G felony; class A misdemeanor.

A person is guilty of receiving stolen property if the person intentionally receives, retains or disposes of property of another person with intent to deprive the owner of it or to appropriate it, knowing that it has been acquired under circumstances amounting to theft, or believing that it has been so acquired.

Receiving stolen property is a class A misdemeanor unless the value of the property received, retained or disposed of is \$1,500 or more, or unless the receiver has twice before been convicted of receiving stolen property, in which case it is a class G felony.

§ 852A. Selling stolen property; class A misdemeanor; class G felony.

A person is guilty of selling stolen property if, after the person receives stolen property pursuant to § 851 of this title, the person sells some or all of the stolen property received. A person may be convicted of both receiving stolen property and selling stolen property. Selling stolen property is a class A

misdemeanor, unless the value of the resold property is \$1,500 or more, or unless the seller has been convicted 2 or more times of selling stolen property, in which cases it is a class G felony.

[76 Del. Laws, c. 147, § 1](#); [77 Del. Laws, c. 133, § 7](#);

§ 900 and 900A read as follows:

900. Issuing a bad check; class A misdemeanor; class G felony.

(a) A person is guilty of issuing a bad check when the person issues or passes a check knowing that it will not be honored by the drawee. For the purpose of this section, as well as in any prosecution for theft committed by means of a bad check, it is prima facie evidence of knowledge that the check (other than a postdated check) would not be honored that:

(1) The issuer had no account with the drawee at the time the check was issued; or

(2) Payment was refused by the drawee upon presentation because the issuer had insufficient funds or credit, and the issuer failed to make good within 10 days after receiving notice of that refusal.

Issuing a bad check is a class A misdemeanor unless the amount of the check is \$1,500 or more, in which case it is a class G felony.

(b) The failure of any business or other commercial entity, prior to the completion of a transaction (other than a transaction by mail) for which a check is accepted in person by the payee as consideration for goods or services provided by the payee, to (1) request and inspect the person's valid driver's license or other photo identification card, which lists the person's name, address, date of birth and approximate height and weight, to validate the identity of the person presenting the check; and (2) record on the check being presented the person's name, driver's license number, if such person has a driver's license, date of birth and address, may result in the refusal of a law enforcement agency to investigate violations of subsection (a) of this section.

11 Del. C. 1953, § 900; 58 Del. Laws, c. 497, § 1; 64 Del. Laws, c. 125, § 1; 65 Del. Laws, c. 497, § 6; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 211, § 7; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 501, § 1; [77 Del. Laws, c. 133, § 8](#);

§ 900A. Conditional discharge for issuing a bad check as first offense.

(a) Whenever any person who has not previously been convicted of issuing or passing a bad check under § 900 of this title or under any statute of the United States or of any state relating to the issuing or passing of bad checks pleads guilty to issuing or passing a bad check in violation of § 900 of this title in an amount under \$1,500 at the time of arraignment, the court without entering a judgment of guilt and with the consent of the accused may defer further proceedings and place the accused on probation upon terms and conditions, which terms and conditions shall include payment of full restitution in the amount of the check plus any reasonable service fee in connection therewith to the victim of the offense and payment to the State of any court costs associated with the offense. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

(b) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person and shall simultaneously with said discharge and dismissal submit to the State Bureau of Identification pursuant to Chapter 85 of this title the disposition specifying the name of the person and the nature of the proceedings which dispositional information shall be retained by the State Bureau of Identification in accordance with its standard operating procedures.

(c) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. There may be only 1 discharge and dismissal under this section with respect to any person and no person who is charged with multiple violations of § 900 of this title is eligible for treatment as a first offender under this section.

66 Del. Laws, c. 252, § 1; 70 Del. Laws, c. 211, § 8; 70 Del. Laws, c. 186, § 1; [77 Del. Laws, c. 133, § 9](#);

§ 903 reads as follows:

§ 903. Unlawful use of credit card; class G felony; class A misdemeanor.

(a) A person is guilty of unlawful use of a credit card when the person uses or knowingly permits or encourages another to use a credit card for the purpose of obtaining property or services knowing that:

- (1) The card is stolen, forged or fictitious; or
- (2) The card belongs to another person who has not authorized its use; or
- (3) The card has been revoked or canceled; or
- (4) For any other reason use of the card is unauthorized by the issuer.

(b) A person is guilty of unlawful use of a credit card where such person knowingly:

(1) Makes, possesses, sells, gives or otherwise transfers to another, or offers or advertises a credit card with the intent that it be used or with the knowledge or reason to believe that it will be used to obtain property or services without payment of the lawful charges therefor; or

(2) Publishes a credit card or code of an existing, canceled, revoked, expired or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any property or services. As used in this section "publishes" means the communication of information to any 1 or more persons, either orally, in person or by telephone, radio or television, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article or book.

(c)(1) Except where the victim of any violation of this section is a person 62 years of age or older, unlawful use of a credit card is a class A misdemeanor unless the value of the property or services secured or sought to be secured by means of the credit card exceeds \$1,500, in which case it is a class G felony.

(2) Where the victim of any violation of this section is a person 62 years of age or older, unlawful use of a credit card is a class G felony unless the value of the property or services secured or sought to be secured by means of the credit card exceeds \$1,500, in which case it is a class F felony.

(d) Amounts involved in unlawful use of a credit card pursuant to 1 scheme or course of conduct, whether from the same issuer or several issuers, may be aggregated in determining whether such unlawful use constitutes a class A misdemeanor or a class G felony under this section.

(e) A person may be prosecuted and convicted under this section in such county or counties within Delaware where the property or services giving rise to the prosecution were solicited, or where the property or services were received or were attempted to be received or where the charges for the property or services were billable in the normal course of business.

11 Del. C. 1953, § 903; 58 Del. Laws, c. 497, § 1; 60 Del. Laws, c. 590, § 5; 65 Del. Laws, c. 497, § 7; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 211, § 9; 70 Del. Laws, c. 186, § 1; [73 Del. Laws, c. 126, § 13](#); [77 Del. Laws, c. 133, § 10](#);

§ 916 and 917 read as follows:

§ 916. Home improvement fraud; class G felony, class A misdemeanor.

(a) For the purpose of this section, the following definitions shall apply:

(1) "Contract price" means the total price agreed upon under a home improvement contract.

(2) "Home improvement" means any alteration, repair, addition, modification or improvement to any dwelling or the property on which it is situated, including but not limited to the construction, painting or coating, installation, replacement or repair of driveways, sidewalks, swimming pools, unattached structures, porches, kitchens, bathrooms, chimneys, fireplaces, stoves, air conditioning or heating systems, hot water heaters, water treatment systems, electrical wiring or systems, plumbing fixtures or systems, doors or windows, roofs, gutters, downspouts and siding.

(3) A "home improvement contract" is any agreement, whether written or oral, whereby a person offers or agrees to provide home improvements in exchange for a payment of money regardless of whether any such payments have been made.

(4) A "material fact" is a fact that a reasonable person would consider important when purchasing a home improvement of the variety being offered.

(b) A person is guilty of home improvement fraud who enters, or offers to enter, into a home improvement contract as the provider of home improvements to another person, and who with the intent specified in § 841 of this title:

(1) Uses or employs any false pretense or false promise as those acts are defined in §§ 843 and 844 of this title;

(2) Creates or reinforces a person's impression or belief concerning the condition of any portion of that person's dwelling or property involved in said home improvement contract knowing that the impression or belief is false;

(3) Makes any untrue statement of a material fact or omits to state a material fact relating to the terms of the home improvement contract or the existing condition of any portion of the property which is the subject of said contract;

(4) Receives money for the purpose of obtaining or paying for services, labor, materials or equipment and fails to apply such money for such purpose by:

a. Failing to substantially complete the home improvement for which the funds were provided; or

b. Failing to pay for the services, labor, materials or equipment provided incident to such home improvement; or

c. Diverting said funds to a use other than for which the funds were received; or

(5) Fails to provide that person's own true name, or provides a false name, address or phone number of the business offering said home improvements.

(c) For home improvement fraud under this section, it shall be prima facie evidence of the intent specified in § 841 of this title that the person offering or agreeing to provide home improvements:

(1) Has been previously convicted under this section or under a similar statute of the United States or of any state or of the District of Columbia within 10 years of the home improvement contract in question;

(2) Is currently subject to any administrative orders, judgments or injunctions that relate to home improvements under Chapter 25 of Title 6;

(3) Failed to comply with Chapter 44 of Title 6 with respect to the home improvement contract in question; or

(4) Used or threatened the use of force against the person or property of the person purchasing said home improvement and said person is 62 years of age or older.

(d) Home improvement fraud is a class A misdemeanor, unless:

(1) The contract price or the total amount actually paid to the defendant by or on behalf of the person who purchased the home improvement is \$1,500 or more;

(2) The person who purchased the home improvement is 62 years of age or older; or

(3) The defendant has previously been convicted under this section;

in which case it is a class G felony.

70 Del. Laws, c. 63, § 1; 70 Del. Laws, c. 186 § 1; [72 Del. Laws, c. 462, § 1](#); [73 Del. Laws, c. 126, §§ 14, 15](#); [77 Del. Laws, c. 133, § 11](#);

§ 917. New home construction fraud; class C felony, class F felony, class G felony, class A misdemeanor.

(a) For the purpose of this section, the following definitions shall apply:

(1) A "dwelling" means a building which is usually occupied by a person lodging therein at night but shall not include a mobile home as defined in § 7003(11) of Title 25.

(2) A "home buyer" means a person who intends to enter into a new home construction contract for himself or herself or on behalf of any person.

(3) A "new home contractor" means any person who offers or provides new home construction services as a general contractor or a subcontractor and shall, in addition, include, but not be limited to, an architect, engineer or real estate broker or agent.

(4) "New home construction" means the erection, installation or construction of a dwelling on a fixed foundation on land which is owned or purchased by a home buyer.

(5) A "new home construction contract" is any agreement, whether written or oral, between a new home contractor and a home buyer whereby the new home contractor agrees to provide new home construction services in exchange for a payment of money.

(6) "Payment of money" means tender of money or other consideration of value by a home buyer or by any lending institution on behalf of the home buyer to a new home contractor as part of a new home construction contract.

(7) For the purpose of this section, land is "purchased" by a home buyer when the home buyer acquires it by sale, negotiation, mortgage, pledge, lien, gift or any other transaction creating an interest in the property prior to the formation of the new home construction contract, or if the home buyer is to purchase the land as part of the new home construction contract.

(b) A person is guilty of new home construction fraud who, with the intent specified in § 841 of this title, enters into a new home construction contract and:

(1) Uses or employs any false pretense or false promise as those acts are defined in §§ 843 and 844 of this title; or

(2) Receives payments and intentionally fails to use said payment or payments for the purpose or purposes identified in the new home construction contract and/or diverts said payment or payments to a use or uses other than the erection, installation or construction of the dwelling identified therein; or

(3) Receives payment or payments and fails to provide that person's own true name or provides a false name, address or phone number of the business offering said new home construction services.

(c) For new home construction fraud under this section, it shall be prima facie evidence of the intent specified in § 841 of this title that the new home contractor:

(1) Has been previously convicted under this section, § 916 of this title, or § 3505 of Title 6 within 10 years of the first payment under the new home construction contract in question; or

(2) Is currently subject to any administrative order, judgment or injunction under Chapter 25 of Title 6 relating to new home construction or home improvements (as defined in paragraph (a)(4) of this section).

(d) New construction fraud is a class A misdemeanor, unless:

(1) The loss to the home buyer is \$1,500 or more but less than \$50,000, in which case it is a class G felony;

(2) The loss to the home buyer is at least \$50,000 but less than \$100,000, in which case it is a class F felony; or

(3) The loss to the home buyer is \$100,000 or more, in which case it is a class C felony.

(e) For the purpose of calculating the amount of the loss to the home buyer, the loss shall be deemed to be the lesser of the total of all payments actually made by the home buyer or the cost to the home buyer to complete the new home construction according to the terms of the original new home construction contract, whether or not said new home is actually completed.

71 Del. Laws, c. 46, § 1; 70 Del. Laws, c. 186, § 1; [77 Del. Laws, c. 133, § 12.](#);

§ 939 reads as follows

§ 939. Penalties.

(a) A person committing any of the crimes described in §§ 932-938 of this title is guilty in the first degree when the damage to or the value of the property or computer services affected exceeds \$10,000.

Computer crime in the first degree is a class D felony.

(b) A person committing any of the crimes described in §§ 932-938 of this title is guilty in the second degree when the damage to or the value of the property or computer services affected exceeds \$5,000.

Computer crime in the second degree is a class E felony.

(c) A person committing any of the crimes described in §§ 932-938 of this title is guilty in the third degree when:

(1) The damage to or the value of the property or computer services affected is \$1,500 or more;
or

(2) That person engages in conduct which creates a risk of serious physical injury to another person.

Computer crime in the third degree is a class G felony.

(d) A person committing any of the crimes described in §§ 932-938 of this title is guilty in the fourth degree when the damage to or the value of the property or computer services, if any, is under \$1,500.

Computer crime in the fourth degree is a class A misdemeanor.

(e) Any person gaining money, property services or other consideration through the commission of any offense under this subpart, upon conviction, in lieu of having a fine imposed, may be sentenced by the court to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain from the commission of such offense. In such case, the court shall make a finding as to the amount of the defendant's gain from the offense and, if the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue. For the purpose of this section, "gain" means the amount of money or the value of property or computer services or other consideration derived.

(f) Amounts included in violations of this subpart committed pursuant to 1 scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the degree of the crime.

(g) For the purposes of this subpart, the value of property or computer services shall be:

(1) The market value of the property or computer services at the time of the violation; or

(2) If the property or computer services are unrecoverable, damaged or destroyed as a result of a violation of this subpart, the cost of reproducing or replacing the property or computer services at the time of the violation.

When the value of the property or computer services or damage thereto cannot be satisfactorily ascertained, the value shall be deemed to be \$250.

(h) Notwithstanding this section, the value of private personal data shall be deemed to be \$500.

64 Del. Laws, c. 438, § 1; 67 Del. Laws, c. 130, § 8; [72 Del. Laws, c. 135, §§ 1, 2](#); [77 Del. Laws, c. 133, § 13](#);

Abandonment of a Child

§ 1101: Synopsis- Currently abandonment of a child less than 16 years of age is a misdemeanor and abandonment of a child 16 years of age and older is not a crime. This would make all cases of child abandonment a felony, with children under 14 a class E felony and those 14 or over a class F felony.

Amend Title 11 of the Delaware Code by deleting §1101 in its entirety and substituting in lieu thereof the following:

“§ 1101. Abandonment of child; class E felony; class F felony.

A person is guilty of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child, the person deserts the child in any place intending permanently to abandon the child.

Abandonment of a child is a class E felony unless the child is 14 years of age or older. Abandonment of a child 14 years of age or older is a class F felony.”

This Act becomes effective thirty days after its enactment into law.

§ 1101 reads as follows:

§ 1101. Abandonment of child; class E felony; class F felony.

A person is guilty of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child, the person deserts the child in any place intending permanently to abandon the child.

Abandonment of a child is a class E felony unless the child is 14 years of age or older. Abandonment of a child 14 years of age or older is a class F felony.

11 Del. C. 1953, § 1101; 58 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; [77 Del. Laws, c. 33, § 1.](#)

Breaches of Release

§ 2109: Synopsis - Under current law, an individual being detained in default of bail, or without bail, can not be charged with the crime of Breach of Conditions of Release if the individual breaches the conditions imposed by the court in connection with the setting of bail (e.g., by contacting the victim’s family when no contact is a condition of bail). This Act adds penalties for breaching any pre-trial condition imposed by a court when the breach occurs while the accused is being detained in default of bail or in lieu of bail. The penalties imposed under this Act are identical to the existing penalties in § 2113, Title 11 of the Delaware Code for persons who breach the conditions of bail while released on bail.

Amend Title 11, Section 2109 of the Delaware Code by inserting a new subsection (c) to read as follows:

“(c) If the accused is committed in lieu of bail, and knowingly breaches any conditions imposed in connection with that bail, each such failure or breach shall be a separate crime, and upon conviction thereof shall be punished as follows:

(1) If the person was held in connection with 1 or more charges of a felony prior to trial, or while awaiting sentence or pending appeal or certiorari after conviction of 1 or more felonies or misdemeanors, the person shall be guilty of a felony and punished by imprisonment of not to exceed 5 years or a fine of \$5,000, or both;

(2) If the person was held in connection with 1 or more charges of misdemeanor prior to trial, the person shall be fined not more than \$500 or imprisoned not more than 1 year, or both.”

§ 2109 reads as follows:

§ 2109. Failure to provide recognizance, bond, or consent to conditions; contact with victim or victim's family.

(a) If the accused does not provide the personal recognizance, secured or unsecured bond or if the person does not agree to meet the conditions for release, the person shall be held in the custody of the State Board of Correction until the person cures such failure or until the court otherwise orders.

(b) If the accused is committed in lieu of bail, the court may require such person, while in custody, to have no contact with the victim or the victim's family.

(c) If the accused is committed in lieu of bail, and knowingly breaches any conditions imposed in connection with that bail, each such failure or breach shall be a separate crime, and upon conviction thereof shall be punished as follows:

(1) If the person was held in connection with 1 or more charges of a felony prior to trial, or while awaiting sentence or pending appeal or certiorari after conviction of 1 or more felonies or misdemeanors, the person shall be guilty of a felony and punished by imprisonment of not to exceed 5 years or a fine of \$5,000, or both;

(2) If the person was held in connection with 1 or more charges of misdemeanor prior to trial, the person shall be fined not more than \$500 or imprisoned not more than 1 year, or both.

11 Del. C. 1953, § 2109; 56 Del. Laws, c. 231, § 1; 66 Del. Laws, c. 300, § 7; 70 Del. Laws, c. 186, § 1; [77 Del. Laws, c. 143, § 1](#);

TITLE 21

DUI

§ 4177(d)(1), 4177(d)(2), 4177(d)(3), 4177(d)(4), 4177(d)(5), 4177(d)(6), 4177(d)(6)a, 4177(d)(5), 4177(d)(7), 4177(d)(9), and 4177B: Synopsis - This bill would increase fines for Driving Under the Influence offenses, which have not been increased in a number of years. This bill would also create additional fines and penalties for a conviction of a fifth, sixth or seventh DUI offense.

Amend § 4177(d)(1), Title 21 of the Delaware Code by deleting the amounts “\$230” and “\$1,150”, and inserting in lieu thereof the amounts “\$500” and “\$1,500”, respectively.

Amend § 4177(d)(2), Title 21 of the Delaware Code by deleting the amounts “\$575” and “\$2,300”, and inserting in lieu thereof the amounts “\$750” and “\$2,500”, respectively.

Amend § 4177(d)(3), Title 21 of the Delaware Code by deleting the amounts “\$1,000” and “\$3,000”, and inserting in lieu thereof the amounts “\$1,500” and “\$5,000”, respectively.

Amend § 4177(d)(4), Title 21 of the Delaware Code by deleting paragraph (4) and inserting in lieu thereof the following.

"(4) For a fourth offense occurring any time after 3 prior offenses, be guilty of a class E felony, be fined not less than \$3,000 nor more than \$7,000, and imprisoned not less than 2 years nor more than 5 years.

(5) For a fifth offense occurring any time after 4 prior offenses, be guilty of a class E felony, be fined not less than \$3,500 nor more than \$10,000 and imprisoned not less than 3 years nor more than 5 years.

(6) For a sixth offense occurring any time after 5 prior offenses, be guilty of a class D felony, be fined not less than \$5,000 nor more than \$10,000 and imprisoned not less than 5 years nor more than 8 years.

(7) For a seventh offense occurring any time after 6 prior offenses, or for any subsequent offense, be guilty of a class C felony, be fined not less than \$10,000 nor more than \$15,000 and imprisoned not less than 10 years nor greater than 15 years.

(8) For the fourth, fifth, sixth, seventh offense or greater, the provisions of § 4205(b) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first six months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered any underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11."

Amend § 4177(d)(6)a, Title 21 of the Delaware Code by striking the phrase "minimum of \$230 and not more than an additional \$1,150" and substituting in lieu thereof, "minimum of \$500 and not more than an additional \$1,500", in § 4177(d)(6)b, by striking the phrase "minimum of \$575 and not more than an additional \$2,300" and substituting in lieu thereof "minimum of \$750 and not more than an additional \$2,500".

Amend § 4177(d)(5), § 4177(d)(6) and § 4177(d)(7), Title 21 of the Delaware Code by renumbering the aforesaid paragraphs as § 4177(d)(9), § 4177(d)(10) and § 4177(d)(11), respectively.

Amend § 4177B, Title 21 of the Delaware Code, in subsection (a) by striking the phrase "costs of prosecution are court costs as established by the appropriate court schedules", and substituting in lieu thereof "costs of prosecution shall be \$250 and any additional costs as established by the appropriate court schedules".

§ 4177 and 4177B read as follows:

§ 4177. Driving a vehicle while under the influence or with a prohibited alcohol or drug content; evidence; arrests; and penalties.

(a) No person shall drive a vehicle:

(1) When the person is under the influence of alcohol;

(2) When the person is under the influence of any drug;

(3) When the person is under the influence of a combination of alcohol and any drug;

(4) When the person's alcohol concentration is .08 or more; or

(5) When the person's alcohol concentration is, within 4 hours after the time of driving .08 or more. Notwithstanding any other provision of the law to the contrary, a person is guilty under this subsection, without regard to the person's alcohol concentration at the time of driving, if the person's alcohol concentration is, within 4 hours after the time of driving .08 or more and that alcohol concentration is the result of an amount of alcohol present in, or consumed by the person when that person was driving;

(6) When the person's blood contains, within 4 hours of driving, any amount of an illicit or recreational drug that is the result of the unlawful use or consumption of such illicit or recreational drug or any amount of a substance or compound that is the result of the unlawful use or consumption of an illicit or recreational drug prior to or during driving.

(b) In a prosecution for a violation of subsection (a) of this section:

(1) Except as provided in paragraph (b)(3)b. of this section, the fact that any person charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not constitute a defense.

(2)a. No person shall be guilty under subsection (a)(5) of this section when the person has not consumed alcohol prior to or during driving but has only consumed alcohol after the person has ceased driving and only such consumption after driving caused the person to have an alcohol concentration of .08 or more within 4 hours after the time of driving.

b. No person shall be guilty under subsection (a)(5) of this section when the person's alcohol concentration was .08 or more at the time of testing only as a result of the consumption of a sufficient quantity of alcohol that occurred after the person ceased driving and before any sampling which raised the person's alcohol concentration to .08 or more within 4 hours after the time of driving.

(3)a. No person shall be guilty under paragraph (a)(6) of this section when the person has not used or consumed an illicit or recreational drug prior to or during driving but has only used or consumed such drug after the person has ceased driving and only such use or consumption after driving caused the person's blood to contain an amount of the drug or an amount of a substance or compound that is the result of the use or consumption of the drug within 4 hours after the time of driving.

b. No person shall be guilty under paragraph (a)(6) of this section when the person has used or consumed the drug or drugs detected according to the directions and terms of a lawfully obtained prescription for such drug or drugs.

c. Nothing in this subsection nor any other provision of this chapter shall be deemed to preclude prosecution under paragraph (a)(2) or (a)(3) of this section.

(4) The charging document may allege a violation of subsection (a) of this section without specifying any particular paragraph of subsection (a) of this section and the prosecution may seek conviction under any of the paragraphs of subsection (a) of this section.

(c) For purposes of subchapter III of Chapter 27 of this title, this section and § 4177B of this title, the following definitions shall apply:

(1) "Alcohol concentration of .08 or more" shall mean:

a. An amount of alcohol in a sample of a person's blood equivalent to .08 or more grams of alcohol per hundred milliliters of blood; or

b. An amount of alcohol in a sample of a person's breath equivalent to .08 or more grams per two hundred ten liters of breath.

(2) "Chemical test" or "test" shall include any form or method of analysis of a person's blood, breath or urine for the purposes of determining alcohol concentration or the presence of drugs which is approved for use by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, the Delaware State Police Crime Laboratory, any state or federal law enforcement agency, or any hospital or medical laboratory. It shall not, however, include a preliminary screening test of breath performed in order to estimate the alcohol concentration of a person at the scene of a stop or other initial encounter between an officer and the person.

(3) "Drive" shall include driving, operating, or having actual physical control of a vehicle.

(4) "Vehicle" shall include any vehicle as defined in § 101(80) of this title, any off-highway vehicle as defined in § 101(39) of this title and any moped as defined in § 101(31) of this title.

(5) "While under the influence" shall mean that the person is, because of alcohol or drugs or a combination of both, less able than the person would ordinarily have been, either mentally or physically, to exercise clear judgment, sufficient physical control, or due care in the driving of a vehicle.

(6) "Alcohol concentration of .15 or more" shall mean:

a. An amount of alcohol in a sample of a person's blood equivalent to .15 or more grams of alcohol per hundred milliliters of blood; or

b. An amount of alcohol in a sample of a person's breath equivalent to 20 or more grams per two hundred ten liters of breath.

(7) "Drug" shall include any substance or preparation defined as such by Title 11 or Title 16 or which has been placed in the schedules of controlled substances pursuant to Chapter 47 of Title 16. "Drug" shall also include any substance or preparation having the property of releasing vapors or fumes which may be used for the purpose of producing a condition of intoxication, inebriation, exhilaration, stupefaction or lethargy or for the purpose of dulling the brain or nervous system.

(8) "Illicit or recreational drug" as that phrase is used in paragraph (a)(6) of this section means any substance or preparation that is:

a. Any material, compound, combination, mixture, synthetic substitute or preparation which is enumerated as a Schedule I controlled substance under § 4714 of Title 16; or

b. Cocaine or of any mixture containing cocaine, as described in § 4716(b)(4) of Title 16;
or

c. Amphetamine, including its salts, optical isomers and salt of its optical isomers, or of any mixture containing any such substance, as described in § 4716(d)(1) of Title 16; or

d. Methamphetamine, including its salt, isomer or salt of an isomer thereof, or of any mixture containing any such substance, as described in § 4716(d)(3) of Title 16; or

e. Phencyclidine, or of any mixture containing any such substance, as described in § 4716(e)(5) of Title 16; or

f. A designer drug as defined in § 4701 of Title 16; or

g. A substance or preparation having the property of releasing vapors or fumes which may be used for the purpose of producing a condition of intoxication, inebriation, stupefaction or lethargy or for the purpose of dulling the brain or nervous system.

(9) "Unlawful use or consumption" as that phrase is used in paragraph (a)(6) of this section means that the person used or consumed a drug without legal authority to do so as provided by Delaware law. This Code describes the procedure by which a person may lawfully obtain, use or consume certain drugs. In a prosecution brought under paragraph (a)(6) of this section, the State need not present evidence of a lack of such legal authority. In a prosecution brought under paragraph (a)(6) of this section, if a person claims that such person lawfully used or consumed a drug, it is that person's burden to show that person has complied with and satisfied the provisions of this Code regarding obtaining, using or consumption of the drug detected.

(10) "Substance or compound that is the result of the unlawful use or consumption of an illicit or recreational drug" as that phrase is used in paragraph (a)(6) of this section shall not include any substance or compound that is solely an inactive ingredient or inactive metabolite of such drug.

(d) Whoever is convicted of a violation of subsection (a) of this section shall:

(1) For the first offense, be fined not less than \$500 nor more than \$1,500 or imprisoned not more than 6 months or both, and shall be required to complete an alcohol evaluation and a course of instruction and/or rehabilitation program pursuant to § 4177D of this title, which may include confinement for a period not to exceed 6 months, and pay a fee not to exceed the maximum fine. Any period of imprisonment imposed under this paragraph may be suspended.

(2) For a second offense, be fined not less than \$750 nor more than \$2,500 and imprisoned not less than 60 days nor more than 18 months. The minimum sentence for a person sentenced under this paragraph may not be suspended.

(3) For a third offense, be guilty of a class G felony, be fined not less than \$1,500 nor more than \$5,000 and imprisoned not less than 1 year nor more than 2 years. The provisions of § 4205(b)(7)

or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first 3 months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered an underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11.

(4) For a fourth offense occurring any time after 3 prior offenses, be guilty of a class E felony, be fined not less than \$3,000 nor more than \$7,000, and imprisoned not less than 2 years nor more than 5 years.

(5) For a fifth offense occurring any time after 4 prior offenses, be guilty of a class E felony, be fined not less than \$3,500 nor more than \$10,000 and imprisoned not less than 3 years nor more than 5 years.

(6) For a sixth offense occurring any time after 5 prior offenses, be guilty of a class D felony, be fined not less than \$5,000 nor more than \$10,000 and imprisoned not less than 5 years nor more than 8 years.

(7) For a seventh offense occurring any time after 6 prior offenses, or for any subsequent offense, be guilty of a class C felony, be fined not less than \$10,000 nor more than \$15,000 and imprisoned not less than 10 years nor greater than 15 years.

(8) For the fourth, fifth, sixth, seventh offense or greater, the provisions of § 4205(b) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first 6 months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered any underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11.

(9) The provisions of paragraphs (3) and (4) of this subsection and the provisions of subdivision (e)(2) of § 4177B of this title notwithstanding, the Attorney General may move the sentencing court to apply the provisions of paragraph (3) of this subsection to any person who would otherwise be subject to a conviction and sentencing pursuant to paragraph (4) of this subsection.

(10) In addition to the penalties otherwise authorized by this subsection, any person convicted of a violation of subsection (a) of this section, committed while a person who has not yet reached the person's 17th birthday is on or within the vehicle shall:

a. For the first offense, be fined an additional minimum of \$500 and not more than an additional \$1,500 and sentenced to perform a minimum of 40 hours of community service in a program benefiting children.

b. For each subsequent like offense, be fined an additional minimum of \$750 and not more than an additional \$2,500 and sentenced to perform a minimum of 80 hours of community service in a program benefiting children.

c. Violation of this paragraph shall be considered as an aggravating circumstance for sentencing purposes for a person convicted of a violation of subsection (a) of this section. Nothing in this paragraph shall prevent conviction for a violation of both subsection (a) of this section and any offense as defined elsewhere by the laws of this State.

d. Violation of or sentencing pursuant to this paragraph shall not be considered as evidence of either comparative or contributory negligence in any civil suit or insurance claim, nor shall a violation of or sentencing pursuant to this paragraph be admissible as evidence in the trial of any civil action.

(11) A person who has been convicted of prior or previous offenses of this section, as defined in § 4177B(e) of this title, need not be charged as a subsequent offender in the complaint, information or indictment against the person in order to render the person liable for the punishment imposed by this section on a person with prior or previous offenses under this section. However, if at any time after conviction and before sentence, it shall appear to the Attorney General or to the sentencing court that by reason of such conviction and prior or previous convictions, a person should be subjected to paragraph (3) or (4) of this subsection, the Attorney General shall file a motion to have the defendant sentenced pursuant to those provisions. If it shall appear to the satisfaction of the court at a hearing on the motion that the defendant falls within paragraph (3) or (4) of this subsection, the court shall enter an order declaring the offense for which the defendant is being sentenced to be a felony and shall impose a sentence accordingly.

(12) The Court of Common Pleas and Justice of the Peace Courts shall not have jurisdiction over offenses which must be sentenced pursuant to paragraph (3), (4) or (9) of this subsection.

(e) In addition to any penalty for the violation of subsection (a) or subsection (b) of this section, the court may prohibit a person convicted under either subsection from operating any motor vehicle unless such motor vehicle is equipped with a functioning ignition interlock device; and such prohibition shall be for a period of not less than 1 year. A person who is prohibited from operating any motor vehicle unless such motor vehicle is equipped with a functioning ignition interlock device under this subsection at the time of an offense under subsection (a) of this section shall, in addition to any other penalties provided under law, pay a fine of \$2,000 and be imprisoned for 60 days.

(f) In addition to the penalties prescribed in paragraphs (2), (3) and (4) of subsection (d) of this section, anyone convicted of a subsequent like offense shall be ordered to complete an alcohol evaluation and complete a program of education or rehabilitation which may include inpatient treatment and be followed by such other programs as established by the training facility, not to exceed a total of 15 months and pay a fee not to exceed the maximum fine.

(g) For purposes of a conviction premised upon subsection (a) of this section, or any proceeding pursuant to this Code in which an issue is whether a person was driving a vehicle while under the influence, evidence establishing the presence and concentration of alcohol or drugs in the person's blood, breath or urine shall be relevant and admissible. Such evidence may include the results from tests of samples of the person's blood, breath or urine taken within 4 hours after the time of driving or at some

later time. In any proceeding, the resulting alcohol or drug concentration reported when a test, as defined in subsection (c)(2) of this section, is performed shall be deemed to be the actual alcohol or drug concentration in the person's blood, breath or urine without regard to any margin of error or tolerance factor inherent in such tests.

(1) Evidence obtained through a preliminary screening test of a person's breath in order to estimate the alcohol concentration of the person at the scene of a stop or other initial encounter between a law enforcement officer and the person shall be admissible in any proceeding to determine whether probable cause existed to believe that a violation of this Code has occurred. However, such evidence may only be admissible in proceedings for the determination of guilt when evidence or argument by the defendant is admitted or made relating to the alcohol concentration of the person at the time of driving.

(2) Nothing in this section shall preclude conviction of an offense defined in this Code based solely on admissible evidence other than the results of a chemical test of a person's blood, breath or urine to determine the concentration or presence of alcohol or drugs.

(3) A jury shall be instructed by the court in accordance with the applicable provisions of this subsection in any proceeding pursuant to this Code in which an issue is whether a person was driving a vehicle while under the influence of alcohol or drugs or a combination of both.

(h)(1) For the purpose of introducing evidence of a person's alcohol concentration pursuant to this section, a report signed by the Forensic Toxicologist, Forensic Chemist or State Police Forensic Analytical Chemist who performed the test or tests as to its nature is prima facie evidence, without the necessity of the Forensic Toxicologist, Forensic Chemist or State Police Forensic Analytical Chemist personally appearing in court:

a. That the blood delivered was properly tested under procedures approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, or the Delaware State Police Crime Laboratory;

b. That those procedures are legally reliable;

c. That the blood was delivered by the officer or persons stated in the report; and,

d. That the blood contained the alcohol therein stated.

(2) Any report introduced under paragraph (1) of this subsection must:

a. Identify the Forensic Toxicologist, Forensic Chemist or State Police Forensic Analytical Chemist as an individual certified by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, the Delaware State Police Crime Laboratory or any county or municipal police department employing scientific analysis of blood, as qualified under standards approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory to analyze the blood;

b. State that the person made an analysis of the blood under the procedures approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory; and,

c. State that the blood, in that person's opinion, contains the resulting alcohol concentration within the meaning of this section.

Nothing in this subsection precludes the right of any party to introduce any evidence supporting or contradicting the evidence contained in the report entered pursuant to paragraphs (1) and (2) of this subsection.

(3) For purposes of establishing the chain of physical custody or control of evidence defined in this section which is necessary to admit such evidence in any proceeding, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery stated, without the necessity of a personal appearance in court by the person signing the statement, in accordance with the same procedures outlined in § 4331(3) of Title 10.

(4) In a criminal proceeding, the prosecution shall, upon written demand of a defendant filed in the proceedings at least 15 days prior to the trial, require the presence of the Forensic Toxicologist, Forensic Chemist, State Police Forensic Analytical Chemist, or any person necessary to establish the chain of custody as a witness in the proceeding. The chain of custody or control of evidence defined in this section is established when there is evidence sufficient to eliminate any reasonable probability that such evidence has been tampered with, altered or misidentified.

(i) In addition to any other powers of arrest, any law enforcement officer is hereby authorized to arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer. This authority to arrest extends to any hospital or other medical treatment facility located beyond the territorial limits of the officer's jurisdiction provided there is probable cause to believe that the violation of this section occurred within the officer's jurisdiction. This authority to arrest also extends to any place where the person is found within 4 hours of the alleged driving of a vehicle if there is reason to believe the person has fled the scene of an accident in which that person was involved, and provided there is probable cause to believe that the violation of this section occurred within the officer's jurisdiction.

(j) Any court in which a conviction of or guilty plea to a driving under the influence offense shall include the blood alcohol concentration of the defendant (if any is on record) when forwarding notice of said conviction or guilty plea to the Division of Motor Vehicles.

21 Del. C. 1953, § 4176; 54 Del. Laws, c. 160, § 1; 57 Del. Laws, c. 71, §§ 1-3; 57 Del. Laws, c. 526, §§ 1, 2; 57 Del. Laws, c. 613, § 1; 57 Del. Laws, c. 670, § 13B; 58 Del. Laws, c. 80, § 3; 59 Del. Laws, c. 46, §§ 1, 2; 60 Del. Laws, c. 701, §§ 48, 49; 60 Del. Laws, c. 702, § 2; 61 Del. Laws, c. 474, § 2; 64 Del. Laws, c. 13, § 13; 67 Del. Laws, c. 437, §§ 1, 2; 68 Del. Laws, c. 9, § 32; 68 Del. Laws, c. 125, § 1; 69 Del. Laws, c. 325, §§ 2, 3; 70 Del. Laws, c. 26, §§ 1-8; 70 Del. Laws, c. 34, § 1; 70 Del. Laws, c. 62, §§ 1-8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 265, § 2; 70 Del. Laws, c. 474, § 1; 70 Del. Laws, c. 553, § 2; 71 Del. Laws, c. 209, §§ 1, 2; 71 Del. Laws, c. 222, §§ 2, 3; [72 Del. Laws, c. 36, §§ 1-3, 5, 6](#); [73 Del. Laws, c. 352, §§ 1, 11](#); [73 Del. Laws, c. 432, § 4](#); [74 Del. Laws, c. 182, §§ 1-3](#); [74 Del. Laws, c. 285, § 4](#); [74 Del. Laws, c. 333, §§ 1, 2](#); [75 Del. Laws, c. 315, §§ 1-5](#); [75 Del. Laws, c. 397, § 15](#); [77 Del. Laws, c. 162, §§ 1-6](#);

§ 4177B. First offenders; election in lieu of trial.

(a) Any person who:

(1) Has never had a previous or prior conviction or offense as defined in paragraph (e)(1) of this section;

(2) Had not accumulated 3 or more moving violations within 2 years of the date of the offense in question on the person's driving record according to the records of the Division of Motor Vehicles of the person's state of residence; and

(3) Was not, with respect to the offense in question, involved in an accident resulting in injury to any person other than the person's own self; and

(4) Did not have an alleged alcohol concentration of .15 or more at the time of driving or within 4 hours of driving;

(5) Was not driving without a valid license or under a suspended or revoked license at the time of the offense in question; and

(6) Is not subject to the enhanced penalties of § 4177(d)(9) of this title for carrying a child on or within that person's vehicle while driving under the influence.

May qualify for the first offense election at the time of arraignment. The court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation upon terms and conditions, including enrollment in a course of instruction or program of rehabilitation established pursuant to § 4177D of this title. If the accused elects to apply, the application shall constitute a waiver of the right to speedy trial. If the person elects not to apply, or if is not accepted, the person shall promptly be arraigned for a violation of § 4177 of this title. If a person applies for or accepts the first offense election under this section, such act shall constitute agreement to pay the costs of prosecution for the case, and the court shall assess such costs and impose them as a condition of probation. If a person accepts the first offense election under this section, such action shall constitute a waiver of the right to an administrative hearing as provided for in § 2742 of this title and shall act to withdraw any request previously made therefor. If a person accepts the first offense election under this section, and the person has taken a chemical test pursuant to § 2741 of this title, such person may also elect at that time to participate in the First Offense Election -- Ignition Interlock Device Diversion described in subsection (g) of this section. For the purposes of this section, costs of prosecution shall be \$250 and any additional costs as established by the appropriate court schedules; and

(b) If a term or condition of probation is violated, including failure to appear for evaluation at an assigned evaluating agency, the person shall be brought before the court, or if the person fails to appear before the court, in either case, upon a determination by the court that the terms have been violated, the court shall enter an adjudication of guilt and proceed as otherwise provided under § 4177 of this title.

(c) Upon fulfillment of the terms and conditions of probation, including satisfactory completion of the course of instruction and/or program of rehabilitation, and payment of all fees, the court shall discharge the person and the proceedings against the person and shall simultaneously with said discharge and dismissal submit to the Division of Motor Vehicles a written report specifying the name of the person and the nature of the proceedings against the person which report shall be retained by the Division of Motor Vehicles for further proceedings, if required.

(d) The driver's license and/or driving privileges of a person applying for enrollment in an education or rehabilitation program pursuant to subsection (a) of this section shall forthwith be revoked by the Secretary for a period of 1 year. If the person is accepted into the education or rehabilitation program the period of revocation shall be for 1 year from the date of the initial revocation. If the person is not accepted for enrollment, or if the person is found by the court to be in violation of the terms of enrollment, the revocation under this section shall continue until sentence is imposed. This revocation shall not be concurrent with or part of any period of revocation established under any other provisions of this subchapter and shall be effective as of the date of sentencing for a period of 1 year.

(e)(1) Prior or previous conviction or offense. -- For purposes of §§ 2742, 4177 and 4177B of this title the provisions of § 4215A of Title 11 shall not be applicable but instead the following shall constitute a prior or previous conviction or offense:

a. A conviction or other adjudication of guilt or delinquency pursuant to § 4175(b) or § 4177 of this title, or a similar statute of any state or local jurisdiction, any federal or military reservation or the District of Columbia;

b. A conviction or other adjudication of guilt or delinquency under a criminal statute encompassing death or injury caused to another person by the person's driving where driving under the influence or with a prohibited alcohol concentration was an element of the offense, whether such conviction was pursuant to a provision of this Code or the law of any state, local jurisdiction, any federal or military reservation or the District of Columbia;

c. Participation in a course of instruction or program of rehabilitation or education pursuant to § 4175(b), § 4177 or § 4177B of this title, or a similar statute of any state, local jurisdiction, any federal or military reservation or the District of Columbia, regardless of the existence or validity of any accompanying attendant plea or adjudication of guilt;

d. A conditional adjudication of guilt, any court order, or any agreement sanctioned by a court requiring or permitting a person to apply for, enroll in or otherwise accept first offender treatment or any other diversionary program under this section or a similar statute of any state, local jurisdiction, any federal or military reservation or the District of Columbia.

(2) Time limitations. -- For the purpose of determining the applicability of enhanced penalties pursuant to § 4177 of this title, the time limitations on use of prior or previous convictions or offenses as defined by this subsection shall be:

a. For sentencing pursuant to § 4177(d)(2) of this title, the 2nd offense must have occurred within 5 years of a prior offense;

b. For sentencing pursuant to § 4177(d)(3) of this title, the 3rd offense must have occurred within 5 years of the 1st offense to be calculated for sentencing;

c. For sentencing pursuant to § 4177(d)(4) of this title there shall be no time limitation and all prior or previous convictions or offenses as defined in paragraph (1) of this subsection shall be considered for sentencing under § 4177(d)(4);

d. For any subsection that does not have a time limitation prescribed, all prior or previous convictions or offenses as defined in paragraph (1) of this subsection shall be considered.

(3) Computation of time limitations. -- For the purpose of computing the periods of time set out in § 2742, § 4177 or § 4177B of this title, the period shall run from the date of the commission of the prior or previous offense to the date of the commission of the charged offense. However, in any case in which the prior offense is defined in subparagraph (1)c. or (1)d. of this subsection, the date of the driving incident which caused the adjudication or program participation shall be the date of the prior or previous offense.

(4) Separate and distinct offenses. -- For the purpose of determining the applicability of enhanced penalties pursuant to § 4177 of this title, prior or previous convictions or offenses used to determine eligibility for such enhanced penalties must be separate and distinct offenses; that is, each must be successive to the other with some period of time having elapsed between sentencing or adjudication for an earlier offense or conviction and the commission of the offense resulting in a subsequent conviction.

(5) Challenges to use of prior offenses. -- In any proceeding under § 2742, § 4177 or § 4177B of this title, a person may not challenge the validity of any prior or previous conviction, unless that person first successfully challenges the prior or previous conviction in the court in which the conviction arose and provides written notice of the specific nature of the challenge in the present proceeding to the prosecution at least 20 days before trial.

(f) The Attorney General may move the sentencing court to apply this section to any person who would otherwise be disqualified from consideration under this section because of the applicability of:

(1) Subsection (a)(1), if any prior offense as defined in subsection (e) of this section is not within 5 years of the offense for which the person is being sentenced; or

(2) Paragraphs (a)(2), (a)(3), (a)(5) and (a)(6) of this section.

(3) Paragraph (a)(4). -- However, if a person who has a blood alcohol concentration of .15 or greater is permitted to participate in the FOE-IID program pursuant to § 4177B(g) of this title, § 4177C(c) of this title shall apply.

In the event of such a motion by the Attorney General, the court may in its discretion apply the terms of this section to that person.

(g) First Offense Election -- Ignition Interlock Device Diversion. -- If a person accepts the first offense election under this section, such person may also elect at that time to participate in the First Offense Election -- Ignition Interlock Device (FOE-IID) Diversion as part of that person's probation. If a person elects to participate in the FOE-IID Diversion, such act shall constitute an agreement to all terms and conditions contained in the Ignition Interlock Device Program set forth in § 4177F of this title and the participant shall waive the right to an administrative hearing as provided for in § 2742 of this title or shall withdraw any request previously made therefor. Failure to comply with any part of this section or § 4177F of this title shall be considered a violation of the participant's probation for the purposes of subsection (b) of this section.

61 Del. Laws, c. 474, § 2; 63 Del. Laws, c. 430, § 15; 64 Del. Laws, c. 13, § 16; 69 Del. Laws, c. 134, § 1; 70 Del. Laws, c. 26, §§ 9, 10; 70 Del. Laws, c. 34, §§ 2, 3; 70 Del. Laws, c. 62, §§ 9, 10; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 209, §§ 3-5; [72 Del. Laws, c. 92, §§ 1, 2](#); [74 Del. Laws, c. 182, § 4](#); [74 Del. Laws, c. 333, § 3](#); [74 Del. Laws, c. 345, § 8](#); [75 Del. Laws, c. 397, § 4](#); [77 Del. Laws, c. 160, §§ 1, 2](#); [77 Del. Laws, c. 162, § 7](#);

SEX OFFENDER REGISTRATION PROVISIONS

Please review Title 11 Section 4121 for the complete Sex Offender information-

(f)(1) Any person designated, as a sex offender pursuant to this section shall comply with the registration provisions of Section 4120 of this title as follows:

- a. For life, if the sex offender is designated to Assessment Tier III, or if the person is designated to Assessment Tier I or II, and has previously been convicted of any of the offenses specified in subparagraphs (a)(4)a., c. or d. of this section; or
- b. For 25 years following the sex offender's release from Level V custody, or for 25 years following the effective date of any sentence to be served at Level IV or below, if the person is designated to Risk Assessment Tier II, and is not otherwise required to register for life pursuant to this subsection, except that any time spent at any subsequent period of Level V custody shall not be counted against such 25 year period.
- c. For 15 years following the sex offender's release from Level V custody, or for 15 years following the effective date of any sentence to be served at Level IV or below, if the person is designated to Assessment Tier I, and is not otherwise required to register for life pursuant to this subsection period of Level V custody shall not be counted against such 15 year period.

(2) Notwithstanding any provision in this section to the contrary:

- a. Any sex offender designated to Assessment Tier III may petition to the Superior Court for redesignation to Assessment Tier II if 25 years have elapsed from the last day of any Level IV or V sentence imposed at the time of the original conviction, or from the date of sentencing if no Level IV or V sentence was imposed, and the offender has successfully completed an appropriate sex offender treatment program certified by the State, and has not been convicted of any crime (other than a motor vehicle offense) or has been otherwise found to have violated the terms of any probation, parole, or conditional release relating to the sentence originally imposed following the conviction for the underlying sex offense, no petition or redesignation shall be permitted until 25 years have elapsed from the date of the subsequent conviction or finding of a violation, during which time no additional convictions or findings of violation can have occurred. Notwithstanding any provision of this section or Section 4120 of this title to the contrary, any sex offender who is redesignated from Assessment Tier III to Assessment Tier II shall continue to comply with the registration and re-registration requirements imposed by Section 4120(g) upon Tier III offenders for life. Any re-designation from Assessment Tier III to Assessment Tier II shall not release the offender from the requirement of lifetime registration or address verification every 90 days pursuant to Section 4120 (g)(1)(a) of this title and subsection (f)(1) of this section.

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- b. Any sex offender designated to Assessment Tier II may petition the Superior Court for redesignation to Assessment Tier I if the victim was not a child under 18 years of age and 10 years have elapsed from the last day of any Level IV or V sentence imposed at the time of the original conviction, or from the date of sentencing if no level IV or V sentence was imposed, and the offender has successfully completed an appropriate sex offender treatment program certified by the State and has not been convicted of any crime (other than a motor vehicle offense) during such time. If the offender has been convicted of any subsequent offense (other than a motor vehicle offense) or has been otherwise found to have violated the terms of any probation, parole or conditional release relating to the sentence originally imposed following the conviction for the underlying sex offense, no petition or redesignation shall be permitted until 10 years have elapsed from the date of the subsequent conviction or finding of violation, during which time no additional convictions or findings of violation can or have occurred.
- c. Any sex offender designated to Assessment Tier I may petition the Superior Court for relief from designation as a sex offender, and from all obligations imposed pursuant to this section and Section 4120 of this title, if 10 years have elapsed from the last day of any Level IV or V sentence imposed at the time of the original conviction, or from the date of sentencing if no Level IV or V sentence was imposed, and if the offender has successfully completed an appropriate sex offender treatment program certified by the State and has not been convicted of any crime (other than a motor vehicle offense) during such time. If the offender has been convicted of any subsequent offense (other than a motor vehicle offense) or has been otherwise found to have violated the terms of any probation, parole, or conditional release to the sentence originally imposed following the conviction for the underlying sex offense, no petition or redesignation shall be permitted until 10 years have elapsed from the date of the subsequent conviction or finding of violation, during which time no additional convictions or findings of violation can or have occurred.
- d. The Superior Court shall not grant a petition for redesignation or relief filed pursuant to this subsection unless:
1. The sex offender establishes, by a preponderance of the evidence, that the public safety no longer requires preservation of the original designation; and
 2. The Court provides the Attorney General with notice of the petition and with reasonable period of time to be heard upon the matter.

When considering a petition for redesignation, the Court shall weigh all the relevant evidence, which bears upon the character and propensities of the offender, and the facts and circumstances of his or her prior offenses. The Court may in its discretion hold a hearing on the petition. If the Court grants the

petition, it shall promptly enter the information concerning the redesignation into the DELJIS system.

Delaware State Police Bureau of Identification closest to your location.

- A. The Delaware State Police shall mail a non-forwardable letter to the last known address of the person. Mailing address will be done in batch and sent 30 days prior to the re-registration date.
- B. For example, if registration date is March 15, a letter will be mailed out in February stating you must respond prior to March 31st that year. Listed below are the time limits for Sex Offender registration-

Tier Level 1 – Once a year in person

Tier Level 2 – Twice a year in person (every 6 months)

Tier Level 3 - Four times a year, quarterly, in person

Note: **Reporting times are based on the offender's date of initial registration.**

Homeless Sex Offender reporting Requirements

Tier Level 1 – Report in person every 90 days for verification

Tier Level 2 – Report in person every 30 days for verification

Tier Level 3 – Report in person every 7 days for verification

Reporting locations are as follows- Offenders must report to State Bureau of Identification Dover, or State Bureau of Identification Northern location which is Delaware State Police Troop # 2. Currently we have no reporting location in Sussex County.

- C. Once the court has found a person guilty of a Megan's Law felony offense, Title 11 Section 4120 of the Delaware Code, the offenders Driver's License must be relinquished to the applicable court. The court will issue a temporary operator's license, directing that person to report to the Division of Motor Vehicle for a replacement Driver's License with the code under restrictions: "Y" indicating sex offender. The person will pay \$5.00 to the Division of Motor Vehicles for the replacement license. The Division of Motor Vehicles will receive an automated notification generated by CJIS advising that the offender will be appearing to have another photo taken and a new restriction coded operator's license issued. Note, upon a person being removed from the registration requirement, the Division of Motor Vehicle shall issue a license

without the sex offender code printed at no charge. The sentencing court shall forward to the Division all licenses that it receives, along with a copy of the Sentencing Order.

Note: This section was passed to bring Delaware into compliance with Title 42 United States Code, Section 14071, The Jacob Wetterling Crimes Against Children and Sexually Violent Offender registration program by September 13, 1997 compliance deadline.

SEX OFFENDER TIER III ASSESSMENT

1. Automatic designation to Tier III

- a. DE110773 Rape First Degree
DE110772 Rape Second Degree
DE110771 Rape Third (if involved a child under 12, or offense involved force or threat of Physical Violence)
DE110769 Unlawful Sexual Contact First Degree
DE110772 Unlawful Sexual Penetration First Degree (repealed in 1998)
DE110771 Unlawful Sexual Penetration Second Degree (repealed in 1998)
DE110775 Unlawful Sexual Intercourse Second Degree (repealed in 1998)
DE110774 Unlawful Sexual Intercourse First Degree (repealed in 1998)
DE110778 Continuous Sexual Abuse of a Child
DE111108 Sexual Exploitation of a Child

- b. DE1107830004 Kidnapping First Degree*
DE110783A004 Kidnapping Second Degree*

***If the purpose of the crime was to facilitate the commission of any offense designated as a sexual offense where the defendant is not a parent, step parent or guardian of the victim.**

- c. Any attempt to commit the previous offenses
DE110531

- d. Any equivalent offense in any other state or US Territory.

e. **Upon motion of the State, any person convicted of a felony, if the victim had not yet reached his or her 16^h birthday AND if the sentencing court determines by a preponderance of the evidence, after it weighs all relevant evidence which bears upon the particular facts and circumstances of the offense and the character and propensities of the offender, that public safety will be enhanced.**

DE110761 (currently definitions only) Sexual Assault 7/1/73-7/9/86

DE110762 (currently provisions applic. to sex offenses) Sexual Miscond. 7/1/73-7/9/86

DE110764 Indecent Exposure Second Degree – If Second Conviction within 5yrs

DE110765 Indecent Exposure First Degree

DE110766 Incest

DE110767 Unlawful Sexual Contact Third Degree

DE110768 Unlawful Sexual Contact Second
DE110770 Rape Fourth Degree
DE110771 Rape Third Degree
DE110776 Sexual Extortion
DE110777 Bestiality
DE110779 Dangerous Crime Against a Child
DE111108 Sexual Exploitation of a Child
DE111109 Unlawfully Dealing in Child Pornography
DE111110 Subsequent Conviction of 1108 or 1109
DE111111 Possession of Child Pornography
DE111112A Sexual Solicitation of a Child

SEX OFFENDER TIER II ASSESSMENT

1. Automatic Designation to Tier II

- a. DE110771 Rape Third Degree (if does NOT involve a child under 12, or offense involved force or threat of Physical Violence)
DE110770 Rape Fourth Degree
DE110770 Unlawful Sexual Penetration Third Degree (repealed in 1998)
DE110773 Unlawful Sexual Intercourse Third Degree (repealed in 1998)
DE110768 Unlawful Sexual Contact Second Degree
DE110776 Sexual Extortion
DE110777 Bestiality
DE110779 Dangerous Crime Against a Child
DE111109 Unlawfully Dealing in Child Pornography
DE111111 Possession of Child Pornography
DE111112A Sexual Solicitation of a Child
DE110762 (Currently Provisions applic. to sex offenses) Sexual Miscond. 7/1/73-7/9/86
DE111361 Providing Obscene Materials to Minors
- b. Any attempt to commit the previous offenses
DE110531
- c. Any equivalent offense in any other state or U.S. Territory
- d. **Upon motion of the State, a person convicted of any sexual offense, if the sentencing court determines by a preponderance of the evidence, after it weighs all relevant evidence, which bears upon the particular facts and circumstances or details of the commission of the offense and the character and propensities of the offender, that public safety will be enhanced.**

DE110761 (currently definitions only) Sexual Assault DE110762 (currently provisions applic. to sex offenses) Sexual Miscond. 7/1/73-7/9/86
DE110764 Indecent Exposure Second Degree – If Second Conviction within 5 yrs

DE110765 Indecent Exposure First Degree
DE110766 Incest
DE110767 Unlawful Sexual Contact Third Degree
DE111108 Sexual Exploitation of a Child
DE111110 Subsequent Conviction of 1108 or 1109
DE111111 Possession of Child Pornography
DE111321(5) Loitering in Public Place to Solicit
DE111352(2) Promotes/Profits from Prostitution of a Person under 18 years
DE111353(3) Promotes/Profits from Prostitution of a Person under 16 years

SEX OFFENDER TIER I ASSESSMENT

Any sex offender not otherwise designated to Assessment Tier II or III:

- a. DE110764 Indecent Exposure Second Degree – If Second Conviction within 5 yrs
DE110765 Indecent Exposure First Degree
DE110766 Incest
DE110767 Unlawful Sexual Contact Third Degree
DE110780 Female Genital Mutilation
DE111100 Dealing in Children
DE111112 Sexual Offender who Resides or Loiters within 500 feet of school
DE111335(a)(6) or (7) Violation of Privacy

Conviction for a second Tier 3 or Tier 2 offense will be designated Tier 3.

Conviction for a subsequent Tier 1 offense occurs within 5 years of previous conviction, sex offender will be placed in Tier 2 when convicted again.

Also all sex offenders will be raised to Level Tier 3 once they are wanted persons. They will also be reduced back to their original Tier Level Assessment once the Warrant/Capias has been cleared.

- **The entire Sex Offender Training Manual can be found at:**

<http://server.deljis.state.de.us>

Click on the Training heading and scroll down to the DELJIS Sex Offender Training Manual

BAIL GUIDELINES

Summary Grid:

<u>LEAD OFFENSE</u>	<u>MONETARY RANGE</u>	<u>ENHANCED SUPERVISORY ALTERNATIVES</u>
A. Trafficking in Narcotic/ NonNarcotic Drugs:		
1. Marijuana	\$1,000.00 secured per pound	
2. Hashish	\$1,000.00 secured per ounce	
3. Methamphetamine, amphetamine, phencyclidine, and drugs not mentioned above	\$1,000.00 secured per gram	
4. Cocaine, heroin and other narcotic drugs	\$2,000.00 secured per gram	
B. Manufacturing, Possession with Intent to Deliver or Delivery of Narcotic or Non-Narcotic Drugs:		
1. Marijuana:		
a. Less than 1 pound	\$1,000.00 - \$3,000.00 unsecured	
b. 1 pound or more	\$500.00 secured per pound	
2. Hashish:		
a. Less than 1 ounce	\$1,000.00 - \$3,000.00 unsecured	
b. 1 ounce or more	\$500.00 secured per ounce	
3. Cocaine, heroin, methamphetamines, amphetamine, phencyclidine and other narcotic or non-narcotic drugs not mentioned above	\$5,000 secured or secured bail in the amount of the street value of the drugs, whichever is greater	
C. Possession of Narcotic Drugs		
1. First Offense	\$500 - \$1,000 unsecured	Level II supervision
2. Defendant has prior Title 16 convictions	\$500 - \$1,000 unsecured	Level II supervision
D. Possession of Non-Narcotic Drugs	\$500 - \$1,000 unsecured	
E. Other Drug Charges	\$500 - \$1,000 unsecured	

<u>Classification Lead Offenses</u>	<u>Monetary Range</u>	<u>Enhanced Supervisory Alternatives</u>
Murder 1st Degree	Hold w/o bail	Hold w/o bail alternatives
Class A Felony	\$20,000 - \$50,000 secured	
Class B Felony	\$10,000 - \$30,000 secured	
Class C Felony	\$2,000-\$10,000 secured	
Class D Felony (Violent)	\$1,000 - \$5,000 secured	Level IV halfway house or electronic monitoring
Class D Felony (Non-Violent)	\$1,000 - \$5,000 unsecured	Level III supervision, Level II supervision
Class E Felony (Violent)	\$500 - \$3,000 secured	Level IV halfway house Level IV elect monitoring Level III supervision
Class E Felony (Non-Violent)	\$500 - \$3,000 unsecured	Level II supervision
Class F Felony (Violent)	\$250 - \$1,500 secured	Level IV elect monitoring, Level III supervision
Class F Felony (Non-Violent)	\$250 - \$1,500 unsecured	Level II supervision
Class G Felony (Violent)	\$250 - \$1,000 secured	Level III supervision
Class G Felony (Non-Violent)	\$250 - \$1,000 unsecured	Level II supervision
Class A Misdemeanor (Violent)	\$100 - \$500 unsecured	Level II supervision
Class A Misdemeanor (Non-Violent)	OR up to \$500 unsecured	None
Class B Misdemeanor	OR up to \$100 unsecured	None
Unclassified Misdemeanor	Or up to \$50 unsecured	None
Violations	Or up to \$25 unsecured	None

Recommended Bail Involving Failure to Appear for Arraignment, Case Review or Trial:

Title 11 Offenses

Class A Misdemeanor -\$500.00 (per charge) Class B Misdemeanor -\$200.00 (per charge) Class C Misdemeanor and Violation -\$100.00 (per charge)

Motor Vehicle Offenses

Driving Under the Influence, Driving During Suspension or Revocation, Failing to Stop at Command of Police Officer {\$4103(b)}. Leaving the Scene of a Personal Injury Accident, Driving Without Consent of Owner and Tampering -\$500.00 (per charge)

Driving Without Insurance, Reckless Driving, Driving Without A Valid License, Fictitious Tags, Leaving the Scene of An Accident, Failing to Answer Summons -\$200.00 (per charge)

All other motor vehicle offenses -(\$100.00) per charge

For failure to appear for sentencing and probation violations, double the amount scheduled above.

For failure to pay fines, costs, restitution -the amount due. -

For second *capias*' (in *all* cases except failure to pay) -double the amount.

For third and subsequent *capias*' -no bail.

AGGRAVATING FACTORS FOR BAIL

An unsecured bail guideline recommendation may, in the ordinary case, be converted to a secured bail amount whenever any one of the following non-exclusive (1-3) aggravating factors is present:

1. Two or more *capiases* for failure to appear have been issued for the defendant within three years from the date of the instant offense and none resulted in the defendant's voluntary surrender to the issuing authority. (Every effort should be made to obtain the records from the other Court's concerning *capiases* issued for the defendant.)
2. The defendant has shown a tendency toward repetitive criminal conduct, to wit:
 - a. The defendant has been twice or more convicted of committing the same violent offense as the instant offense within five years preceding the date of the instant offense during which the defendant was not incarcerated, *or*
 - b. The defendant has three times or more been convicted of the same non-violent offense within three years from the date of the instant offense.
3. The defendant's prior criminal record consists of at least the two felony convictions, or at least four misdemeanor convictions excluding Title 21 traffic convictions within the past three years.
4. The defendant has shown a lack of amenability to less restrictive measures through violation of a prior period of probation or a failure to meet substantive conditions during a prior or current period of probation.
5. The defendant was on a conditional release status from the Department of Corrections on the date of the instant offense.
6. Defendant was on bail, either having posted a secured bail or having been released on unsecured bail or on the defendant's own recognizance, at the time of the commission of a new offense.
7. The prosecutor or police officer proffers facts to the Court which demonstrate that the defendant was aware before his arrest that the charge or charges for which bail is to be set had been filed thereafter the defendant intentionally attempted to evade arrest on such charge or charges.
8. A fugitive's warrant has been issued against the defendant or he or she is a prison deserter from the military. (1-5)
9. The offense was allegedly committed against a victim who is considered to be helpless or defenseless: i.e., the victim is very young or very old, either physically or mentally handicapped, etc.
10. The defendant is a non-resident and at least one other factor exists which makes it unlikely, in the Court's view that the defendant will appear for future court proceedings without secured bail being set.
11. The crime was committed for the purpose of avoiding or preventing an arrest or for the purpose of effecting an escape from custody.
12. The crime was committed against a person who was a witness to a crime for the purpose of preventing that witness's appearance or testimony in any grand jury, criminal or civil proceeding.
13. Both the aggravating and mitigating factors listed herein are provided as examples and are not intended to be exclusive reasons justifying departures from the bail guidelines.
14. If a defendant is charged with committing a subsequent offense while a bail for having committed a prior offense, especially a violent, offense. Justices of the Peace are encouraged to set a high-secured amount as the circumstances of each individual case may justify.
15. See legal memorandum no. 61-75
16. Numerous convictions for Driving Under the Influence, Driving During Suspension or Revocation and Failure to stop at the Command of a Police Officer should not be excluded from consideration of the defendant's prior convictions.

MITIGATING FACTORS FOR BAIL

A secured bail guideline recommendation may, in the ordinary case, be converted to an unsecured bail whenever any of the of the following non-exclusive mitigating factors is present:

1. The defendant has demonstrated through recent behavior that it is likely that he or she will appear at scheduled court dates, obey court orders and will not endanger victims, witnesses or the public in general.
2. The defendant has ties to the community, which suggest that he or she is unlikely to flee prior to scheduled court dates. Such factors include a stable job and family ties to the community.
3. The defendant's record shows no prior criminal convictions, excluding Title 21 traffic violations.
4. To a significant degree, the victim was an initiator, willing participant, aggressor **or** provoker of the incident.
5. Before detection, the defendant compensated or made a good faith effort to compensate the victim of the criminal conduct for any damage or injury sustained or, before detection, the defendant sought professional help for drug/alcohol treatment or any other sought professional help for drug/alcohol treatment or any other recognized compulsive behavioral disorders related to the offense.
6. The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
7. The defendant, because of physical or mental impairment lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants (drugs or alcohol) does not fall within the purview of this factor.
8. The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well being of the victim.
9. The defendant has or is willing to cooperate with the police with regard to an ongoing investigation and the police for prosecution requests low or unsecured bail because of this fact.
10. The defendant entertains an honest and reasonable belief that his or her actions causing arrest were justifiable and legal.

Bail Guidelines: Alphabetical Listing

Offense/Statute/Classification/Pretrial Supervision/Monetary Range

A

Abandonment of Child 11-1101 Misd. (A) None OR - \$500 unsecured
Abet. Vio. Driver's Lic. Rest. (2nd off/death) 11-1249 Felony (G) Lv2 \$250 - 1,000 unsecured
Abetting Violation of Driver's Lic. Restriction 11-1249 Misd. (A) None OR - \$500 unsecured
Abortion 11-651 Felony (F-viol.) Lv4-HCP/Lv3 \$250 -1,500 secured
Abortion. Self 11-652 Misd. (A) None OR - \$500 unsecured
Abuse of Infirm Adult (Causing Death) 31-3913 Felony (A) N/A \$20,000 - 50,000 secured
Abuse of Infirm Adult (Causing bodily harm) 31-3913(c) Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Abuse, Neglect of Infirm Adult 31-3913 Misd. (A-viol.) Lv,2 OR - \$500 unsecured
Abuse of Patient in Res. Fac. (Causing death) 16-1136 Felony (A) N/A \$20,000 - 50,000 secured
Abuse, Neglect of Patient in Res. Fac. (inj.) 11-1136 Felony (D-viol.) Lv4-HW/HCP \$1,000 -5,000 secured
Abuse of Patient in Residential Facility 16-1136 Misd.(A-viol.) Lv2 OR - \$500 unsecured
Abuse of Pregnant Female I 11-606 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Abuse of Pregnant Female II 11-605 Felony (C-viol.) Lv4.HW \$2,000- 10,000 secured
Abusing a Corpse 11-1332 Misd. (A) None OR - \$500 unsecured
Adulteration (Causing death) 11-1339 Felony (A) N/A \$20,000 - 50,000 secured
Adulteration (Causing injury) 11-1339 Felony (E-viol.) Lv4-HCF/Lv3 \$500 - 3,000 secured
Adulteration (no injury) 11-1339 Felony (G) Lv2 \$250 - 1,000 unsecured
Advancing Gambling I/II 11-1401/03 Misd. (A) None OR - \$500 unsecured
Advertisement of Drug Paraphernalia 16-4774 Misd. (Unclass.) None OR - \$50 unsecured
Aggravated Harassment 11-1312.1 Felony (G) Lv2 \$250 - 1,000 unsecured
Aggravated Intimidation 11-3533 Felony (D-viol.) Lv4-HW/HCP \$1,000-5,000 secured
Aggravated Menacing 11-602(b) Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Aggravated Criminal Non-Support (2nd off, 8+ consec mos. delinq., or arrears \$10,000+) 11-1113 Felony(G) Lv2 \$250 -1,000 unsecured
Aggravated Criminal Non-Support 11-1113 Misd. (A) None OR - \$500 unsecured
Alteration of Gun Numbers 11-1459 Felony ((D)viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Arson I 11-803 Felony (C)viol.) Lv4-HW \$2,000 -10,000 secured
Arson II 11-802 Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Arson III 11-801 Felony (G) Lv2 \$250 - 1,000 unsecured
Assault I 11-613 Felony (C-viol.) Lv4-HW \$2,000 -10,000 secured
Assault I on Law Enforc. Animal (Death/Scr.) 11-1250(c) Felony (D-viol.) Lv4-HW/HCP \$ 1,000 -5,000 secured
Assault II on Law Enforc. Animal (risk inj.) 11-1250(b) Misd. (A-viol.) Lv2 OR - \$500 unsecured
Assault II 11-612 Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Assault III 11-611 Misd. (A-viol.) Lv2 OR - \$500. unsecured
Assault by Abuse or Neglect (Child) 11-615 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Assault in Detention Facility (Serious Injury) 11-1254(b) Felony (B-viol.) N/A \$10,000 - 30,000 secured
Assault in Detention Facility 11-1254 Felony (D-viol.) Lv4-HW/HCP \$1,000 -5,000 secured
Assault on Sports Official (2+ offense) 11-614 Felony (G-viol.) Lv3 \$250 - 1,000 secured
Assault on Sports Official (1st offense) 11-614 Misd. (A-viol.) Lv2 OR - \$500 unsecured

B

Beastiality 11-777 Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Being Concm. in Int. in fCeep. Gambling Dev. 11-1406 Misd. (A) None OR - \$500 unsecured
Benefit by False Representation >SI 0.000 31-1003 Felony (Q Lv3 \$2,000 - 10,000 unsecured
Bigamy 11-1001 Felony (G) Lv2 \$250 -1,000 unsecured
Body Piercing <fe Tattoos (2- offense) 11-1114 Misd. (A) None OR - \$500 unsecured
Body Piercing Sc Tattoos (1st offense) 11-1114 Misd. (B) None OR - \$100 unsecured
Breach of Release (underlying felony charge) 11.2113 Felony (G) Lv2 \$250 - 1,000 unsecured
Breach of Release (underlying misd. charge) 11-2113 Misd. (Unclass.) None OR - \$50 unsecured
Bribery - (Juror) 11-1264/65 Felony (E) Lv2 \$500 - 3,000 unsecured
Bribery - (Public Servant) 11,1201/03 Felony (5) Lv2 \$500 - 3,000 unsecured
Bribery - (Tampering with Witness) 11-1261/63 Felony (E) Lv2 \$500 - 3,000 unsecured
Bribery - (non-public servant) 11-881/882 Misd. (A) None OR - \$500 unsecured
Burglary I 11-836 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Burglary II 11-825 Felony (D-viol.) Lv4-HW/HCP \$1,000-5,000 secured
Burglary III 11-824 Felony (F) Lv2 \$250 - 1,500 unsecured

C

Carjacking I (poss./display weap.. cause Phys. Injury to another, 62- or 14-) 11-836 Felony (B-viol.) N/A \$10,000-30,000 secured
Carjacking I (poss. veh./com. Fel(D). oper. in viol. 21-4177 or I6-Chap.47) 11-836 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Carjacking II (creates risk of death of ser. phys. injury, compel occup. to leave car, causes vehicle to be oper. recklessly) 11-835 Felony (D-viol.) Lv4.HW/HCP \$1,000 - 5,000 secured
Carjacking II 11-835 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Carrying Concealed Dangerous Instrument 11-1443 Misd. (A-viol.) Lv2 OR - \$500 unsecured
Carrying Concealed Deadly Weapon (sub.) 11-1442 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Carrying Concealed Deadly Weapon 11-1442 Felony (G) Lv2 \$250 - 1,000 unsecured
Child Sex Solicitation 11-1112(A) Felony (C-vioi.) Lv4-HW \$2,000 - 10,000 secured
Coercion 11-791 Misd. (A) None OR - \$500 unsecured
Compounding a Crime 11-1246 Misd. (A) None OR - \$500 unsecured
Computer Crime I 11-937(a) Felony (D) Lv2 \$1,000 - 5,000 unsecured
Computer Crime II 11-937(b) Felony (E). Lv2 \$500 - 3,000 unsecured
Computer Crime III ' 11-937(c) Felony (F) Lv2 \$250 - 1,500 unsecured
Computer, Crime IV 11-937(d) Felony (G) Lv2 \$250- 1,000 unsecured
Computer Crime V 11-937(e) Misd. (A) None OR - \$500 unsecured
Computer Crime (Fail to cease) > \$ 10,000 11-938 Felony (D) Lv2 \$1,000 - 5,000 unsecured
Computer Crime (Fail to cease) - \$5K - IOK 11-938 Felony (E) Lv2 \$500 - 3,000 unsecured
Computer Crime (Fail to cease) - \$1K - 5K (or creates risk of serious phy. injury to another) 11-938 Felony (F) Lv2 \$250 - 1,500 unsecured
Computer Crime (Fail to cease) - \$500 - 1K 11-938 . Felony (G) Lv2 \$250 -1,000 unsecured
Computer Crime (Fail to cease) < \$500 11-938 Misd. (A) None OR - \$500 unsecured
Conspiracy I 11-513 Felony (E-vioi.) Lv4-HCP/Lv3 \$500-3,000 secured
Conspiracy II 11-512 Felony (G) Lv2 \$250 -1,000 unsecured
Conspiracy III 11-511 Misd. (A) None OR - \$500 unsecured
Continuous Sexual Abuse of a Child 11-778 Felony (B-viol.) N/A \$10,000-30,000 secured
Conversion of Benefits 31-1006 Felony (E) Lv2 \$500 - 3,000 unsecured
Crimes Regarding Vital Records I6-3111(a) Felony (E) Lv2 \$500-3,000 unsecured
Criminal Contempt (all others) 11-1271 Misd. (A) None OR - \$500 unsecured
Criminal Contempt (in-court bad behavior) 11-1271(1) Misd. (B) None OR-\$ 100 unsecured
Criminal Contempt of PFA Order (result in phy. injur., threat/deadly weap., 3+ off.) 11-1271A Misd. (A-viol.) Lv2 OR - \$500 unsecured
Criminal Contempt of PFA Order (1st-2nd) 11-1271A Misd. (A) None OR - \$500 unsecured
Criminal Impersonation (Accident Related) 11-907A Felony (G) Lv2 \$250 -1,000 unsecured
Criminal Impersonation 11-907 Misd. (A) None OR - \$500 unsecured
Criminal Imp. Police Off. (phy. injur., Fel A-B) 11-907B(b) Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Criminal Impersonation of Police Officer 11-907B Felony (E) Lv2 \$500 - 3,000 unsecured
Criminal Mischief > \$1500 11-811 Felony (G) Lv2 \$250 -1,000 unsecured
Criminal Mischief > \$1 000 11-811 Misd. (A) None OR - \$500 unsecured
Criminal Mischief < \$1 000 11-811 Misd. (Unclass.) None OR - \$50 unsecured
Criminally Negligent Homicide 11-631 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Criminal Non-Support (1st offense) 11-1113 Misd. (B) None OR-\$1 00 unsecured
Criminal Non-Support (2⁺ offense) 11-1113 Misd. (A) None OR - \$500 unsecured
Criminal Nuisance 11-1322 Misd. (Unclass.) None OR - \$50 unsecured
Criminal-Solicitation I 11-503 Felony (E) Lv2 \$500 - 3,000 unsecured
Criminal Solicitation II 11-502 Felony (F) Lv2 \$250- 1,500 unsecured
Criminal Solicitation III 11-501 Misd, (A) None OR - \$500 unsecured
Criminal Trespass I 11-823 Misd. (A) None OR - \$500 unsecured
Criminal Trespass II 11-822 Misd. (Unclass.) None OR - \$50 unsecured
Criminal Trespass III 11-321 Violation None OR-\$25 unsecured
Cross or Religious Symbol Burning 11-805 Misd. (A) None OR - \$500 unsecured
Cruelty to Animals - Intentional 11-1325(b) Felony (F) Lv2 \$250 - 1,500 unsecured
Cruelty to Animals 11-1325 Misd. (A) None OR - \$500 unsecured

D

Dangerous Crime Against a Child 11-779 Felony (B-viol.) N/A \$10,000-30,000 secured
Dealing in Child 11-1100 Felony (E) Lv2 \$500 - 3,000 unsecured
Debt Adjusting 11-910 Misd. (B) None OR - \$100 unsecured
Deceptive Business Practices 11-906 Misd. (A) None OR - \$500 unsecured
Defrauding Secured Creditors 11-891 Misd. (A) None OR - \$500 unsecured
Del/PWID Non. Cont. Prescrip. Body Build 16-4754A Felony (E-viol.) Lv4-HCP/Lv3 \$500-3,000 secured
Delivery of Drug Paraphernalia to Minor 16-4773 Felony (E-viol.) Lv4-HCP/Lv3 \$500-3,000 secured
Delivery of Hypodermic Needle/Syringe I6-4757(d) Felony (G) Lv2 \$250 - 1,000 unsecured
Delivery of Narcotics to Minor 16-1761 Felony (C-viol.) Lv4-HW \$2,000-10,000 secured
Delivery of Narcotics Within 300' of Park 16-4768 Felony (C-viol.) Lv4.HW \$2,000 - 10,000 secured
Delivery of Narcotics Within 1000' School 16-4767(a) Felony (C-viol.) Lv4-HW \$2,000 -10,000 secured
Delivery Non-Narcotics Within 1000' School 16-4767(a) Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Delivery Non-Narcotics Within 300' of Park 16-4768 Felony (E-viol.) Lv4.HCP/Lv3 \$500 - 3,000 secured
Desecration 11-1331 Misd. (A) None OR - \$500 unsecured

Desecration of Grave 11-1340 Misd. (A) None OR - \$500 unsecured
Disorderly Conduct 11-1301 Misd. (Unclass.) None OR - \$50 unsecured
Distribution Non-Narcotic CS to Minor 16-4761(2) Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Driving Under the Influence (D.U.I.) (4+ off.) 21-4177(d)4 Felony E Lv2 \$500 - 3,000 unsecured
Driving Under the Influence (D.U.I.) (3rd off.) 21-4177(d)3 Felony G Lv2 \$250 - 1,000 unsecured

E

Endangering Children 11-1107 Misd. (Unclass.) None OR - \$50 unsecured
Endangering Welfare of Child (res. death) 11-1102 Felony (E-viol.) Lv4.HCP/Lv3 \$500 - 3,000 secured
Endangering Welfare of Child (res. injury) 11-1102 Felony (G-viol.) Lv3 \$250 - 1,000 secured
Endangering Welfare of Child 11-1102 Misd. (A) None OR - \$500 unsecured
Endangering Welfare of Incompetent Person 11-1105 Misd. (A) None OR - \$500 unsecured
Engaging in Crap Game 11-1407 Violation None OR - \$25 unsecured
Escape II 11.1252 Felony (G) Lv2 \$250- 1,000 unsecured
Escape After Conviction (injury on escape) 11-1253 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Escape After Conviction (use force/weapon) 11-1253 Felony (C-viol.) Lv4-HW \$2,000 -10,000 secured
Escape After Conviction 11-1253 Felony (D-viol.) Lv4-HW/HCP \$1,000-5,000 secured
Execution of Document by Deception 11-909 Misd. (A) None OR - \$500 unsecured
Exploitation of Infirm Adult > \$500 31-3913(b) Felony (G) Lv2 \$250 - 1,000 unsecured
Extortion 11-846 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured

F

Failure to Answer Summons 11-1907 Misd. (Unclass.) None OR - \$50 unsecured
Failure to Obtain Child Abuse Information 11-8562(a) Misd. (A) None OR - \$500 unsecured
Failure to Rep. Abuse of Facility Patient/Res. 16-1136 Misd. (A) None OR - \$500 unsecured
Failure/Refusal of Registrant to Keep Record 16-4755(a)3 Misd. (A)* None \$500-1,000 unsecured
False Benefit Reimburs. Statement \$10,000+ 31-1004(2) Felony (C) Lv4-HWH \$2,000 -10,000 secured
False Benefit Reimburs. Statemni \$500 - 10K 31-1004(2) Felony (E) Lv2 \$500 - \$3,000 unsecured
False Benefit Reimburs. Statement < \$500 31-1004(2) Misd. (A) None OR - \$500 unsecured
False Instrument for Filing 11-877 Misd. (A) None OR - \$500 unsecured
False Statement for Benefits - \$10,000+ 31-1003 Felony (C) Lv4-HWH \$2,000 - 10,000 secured
False Statement For Benefits \$500 - \$ 10,000 31-1003 Felony (E) Lv2 \$500 - 3,000 unsecured
False Statement for Benefits < \$500 31-1003 Misd. (A) None OR - \$500 unsecured
False Statement or I.D. - Firearm Purchase 11-1448(a) Felony (G) Lv2 \$250-1,000 unsecured
Falsely Reporting Incident 11-1245 Misd. (Unclass.) None OR - \$50 unsecured
Falsifying Business Records 11-871 Misd. (A) None OR - \$500 unsecured
Falsify Doc. Util. Med. Treat. Prolong Life 16-2513 Felony (C) Lv3 \$2,000 - 10,000 unsecured
Female Genital Mutilation 11-780 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Fighting and Baiting Animals (owner) 11-1326(a) Misd. (A) None OR - \$500 unsecured
Fighting and Baiting Animals (in building) 11-1326(b) Misd. (B) None OR - \$100 unsecured
Firearm Sale Violation (2+ offense) 11-1448A(m) Felony (G) Lv2 \$250 - 1,000 unsecured
Firearm Sale Violation (1st offense) 11-1448A(m) Misd. (A) None OR - \$500 unsecured
Firearm Transfer on Behalf Another (1st) 11-1454 Felony (F) Lv2 \$250 - 1,500 unsecured
Firearm Transfer on Behalf Another (sub.) 11-1455 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Foreign Lotteries 11-1402 Misd. (A) None OR - \$500 unsecured
Forgery I 11-861 (b) Felony (F) Lv2 \$250 - 1,500 unsecured
Forgery II 11-861(b)2 Felony (G) Lv2 \$250 - 1,000 unsecured
Forgery III 11-861(b)3 Misd. (A) None OR - \$500 unsecured
Fraud in Insolvency 11-892 Misd. (A) None OR - \$500 unsecured
Fraudulent Conveyance of Public Lands 11-911 Felony (G) Lv2 \$250 - 1,000 unsecured
Fraudulent Receipt of Public Lands 11-912 Felony (G) Lv2 \$250 - 1,000 unsecured
Furnishing Contraband 11-6562A Misd. (Unclass.) None OR - \$50 unsecured

G

Giving Firearm to Person Prohibited 11-1454 Felony (F) Lv2 \$250 - 1,500 unsecured
Giving Unlawful Gratuity to Public Serv. 11-1205 Misd. (A) None OR - \$500 unsecured
Graffiti 11-812 Misd. (Unclass.) None OR - \$50 unsecured

H

Harassment 11-1311 Misd. (B) None OR - \$ 100 unsecured
Harassment of K-9 Dog 11-1250(a) Misd. (Unclass.) None OR - \$50 unsecured
Hate Crime (Felony A underlying) 11-1304 Felony (A) N/A \$20,000 - 50,000 secured
Hate Crime (Felony B underlying) 11-1304 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Hate Crime (Felony C-viol.) underlying) 11-1304 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Hate Crime (Felony D underlying) 11-1304 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Hate Crime (Felony E underlying) 11-1304 Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Hate Crime (Felony F underlying) 11-1304 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured

Hate Crime (Felony G underlying) 11-1304 Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Hate Crime (Misd. A,B,C underlying) 11-1304 Felony (G-viol.) Lv3 \$250 -1,000 secured
Hate Crime (violation/unclass. underlying) 11-1304 Misd. (A-viol.) Lv2 OR - \$500 unsecured
Hindering Prosecution (of felony) 11-1244(b) Felony (G) Lv2 \$250 - 1,000 unsecured
Hindering Prosecution (of misdemeanor) 11-1244 Misd. (A) None OR - \$500 unsecured
Hiring Minor to Violate Any Drug Provision 16-476(c) Felony (G-viol.) Lv3 \$250 -1,000 secured
Hoax Device 11-622 Felony (F)
Home Improvement Fraud > \$500 11-916 Felony (G) Lv2 \$250 - 1,000 unsecured
Home Improvement Fraud < \$500 11-916 Misd. (A) None OR - \$500 unsecured

I

Illegal Distribution of Controlled Substance 16-4755 (a) Felony (F) Lv2 \$250 - 1,500 unsecured
Improper Influence 11-1207 Misd. (A) None OR - \$500 unsecured
Improper Labeling 11-922 Misd. (Unclass.) None OR - \$50 unsecured
Improper Use of Weap. Purch. Rec. Check 11-1448A(k) Misd. (A) None OR - \$500 unsecured
Incest 11-766 Misd. (A-viol.) Lv2 OR - \$500 unsecured
Indecent Exposure I 11-765 Misd. (A) None OR - \$500 unsecured
Indecent Exposure II 11-764 Misd. (Unclass.) None OR - \$50 unsecured
Insurance Fraud 11-913 Felony (G) Lv2 \$250 - 1,000 unsecured
Interfer. with Child Wit. (won't prod. child) 11-1263A Felony (E) Lv2 \$500 - 3,000 unsecured
Interfer. with Child Wit. (rem. child victim) 11-1263A Felony (F) Lv2 \$250 - 1,500 unsecured
Interfer. with Child Wit. (rem. child witness) 11-1263A Felony (G) Lv2 \$250-1,000 unsecured
Interfer. with Child Wit. (non-complainant) 11-1263A Felony (G) Lv2 \$250 -1,000 unsecured
Interference with Custody (remove from DE) 11-785 Felony (G) Lv2 \$250 - 1,000 unsecured
Interference with Custody 11-785 Misd. (A) None OR - \$500 unsecured
Interference with Levied Upon Property 11-893 Misd. (A) None OR - \$500 unsecured
Intimidation 11-3532 Felony (E) Lv2 \$500 - 3,000 unsecured
Issuing Abortion Article 11-653 Misd. (B) None OR - \$100 unsecured
Issuing Bad Check > \$1000 11-900 Felony (G) Lv2 \$250 - 1,000 unsecured
Issuing Bad Check < \$1000 11-900 Misd. (A) None OR - \$500 unsecured
Issue False Certificate 11-378 Felony (C) Lv2 \$250 - 1,000 unsecured

K

Keeping Drugs in Original Container (Fail to) 16-4758 Felony(G) Lv2 \$250 -1,000 unsecured
Kickback Schemes 31-1005 Felony (E) Lv2 \$500 - 3,000 unsecured
Kidnapping I 11-783A Felony (B-viol.) N/A \$10,000 – 50,000 secured
Kidnapping II 11-783 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured

L

Larceny of Livestock 11-859 Felony (G) Lv2 \$250 -1,000 unsecured
Lewdness 11-1341 Misd. (B) None OR - \$100 unsecured
Loitering 11-1321 Violation None OR - \$25 unsecured
Loitering on State-Supported School/College 11-1320 Violation None OR - \$25 unsecured

M

Maintaining Dwell./Veh. Illegal Use/Dist. 16-4755(a)5 Felony (F) Lv2 \$250 - 1,500 unsecured
Maintaining a Fire Hazard 16-6611 Misd. (Unclass.) None OR - \$50 unsecured
Maintaining an Obstruction (2nd w/i 2 years) 11-1423 Misd. (A) None OR - \$500 unsecured
Maintaining an Obstruction (1st) 11-1428 Violation None OR - \$25 unsecured
Making a False Written Statement 11-1233 Misd. (A) None OR - \$300 unsecured
Malicious Obstruct. of Emerg. Phone Calls 11-1313 Misd. (B) None OR-\$100 unsecured
Man./Del.. Of Sch. I or II Narc. Res. Death 16-475 I(c) Felony (B-viol.) N/A \$10,000 – 30,000 secured
Man./Del./PWID Drug Paraphernalia 16-4772 Felony (G) Lv2 \$250 -1,000 unsecured
Man./Del./PWID Narc. I or II 16-475I (a) Felony (C-viol.)* Lv4-HW > of \$5,000 sec. or value
Man./Del./PWID Narc. III - V 16-475I (b) Felony (E-viol.)* Lv4-HCP/Lv3 > of \$5,000 sec. or value
Man./Del./PWID Non-narcotic 16-4752 Felony (E-viol.)* Lv4-HCP/Lv3
Marijuana Less than 1 pound \$1,000 – 3,000 unsecured 1 pound or more \$500 secured per pound
Hashish Less than 1 ounce \$1,000 - 3,000 unsecured 1 ounce or more \$500 secured per ounce
Man./Use/Poss. Of Explosive or Incend. Dev. 11-1338 Felony (D-viol.) Lv4-HW/HCP \$1,000 -5,000 secured
Manslaughter 11-632 Felony (C-viol.) Lv4.HW \$2,000-10,000 secured
Menacing 11-602 Misd. (Unclass.) None OR - \$50 unsecured
Misapplication of Property > \$1000 11-848 Felony (G) Lv2 \$250 -1,000 unsecured
Misapplication of Property < \$1000 11-843 Misd. (A) None OR - \$500 unsecured
Misconduct by Juror 11-1267 Misd. (A) None OR - \$500 unsecured
Misuse of Prisoner Mail (2nd- offense) 11-1260 Felony (G) Lv2 \$250-1,000 unsecured
Misuse of Prisoner Mail 11-1260 Misd. (A) None OR - \$500 unsecured
Murder I 11-636 Felony (A) N/A Hold without bail

Murder II 11-635 Felony (B-viol.) N/A \$10,000-30,000 secured
Murder by Abuse/Neglect I 11-634 Felony (A) N/A \$20,000 - 50,000 secured
Murder by Abuse/Neglect II 11-633 Felony (B-viol.) N/A \$10,000 - 30,000 secured

N

New Home Construction Fraud > \$100,000 11-917 Felony (C) Lv3 \$2,000 - 10,000 unsecured
New Home Construction Fraud \$50K - 100K 11-917(d)2 Felony (F) Lv2 \$250 - 1,500 unsecured
New Home Construction Fraud \$1000 – 50K 11-917(d)I Felony (G) Lv2 \$250 - 1,000 unsecured
New Home Construction Fraud < \$1000 11-917(d) Misd. (A) None OR - \$500 unsecured

O

Obscenity (sale to child < 18) 11-1361 Felony (E) Lv2 \$500 - 3,000 unsecured
Obscenity 11-1361 Felony (G) Lv2 \$250-1,000 unsecured
Obscene Literature Harmful to Minors 11-1365 Misd. (A) None OR - \$500 unsecured
Obstructing Control of Rabies 11-1248 Misd. (B) None OR - \$100 unsecured
Obstructing Firefighting 11-1243 Misd. (A) None OR - \$500 unsecured
Obstructing Ingress/Egress at Public Bldg. 11-1324 Misd. (Unclass.) None OR - \$50 unsecured
Obstructing Public Passages 11-1323 Violation None OR - \$25 unsecured
Obstructing Rabies Control Dur. Emergency 11-1248 Felony (E) Lv2 \$500 - 3,000 unsecured
Offensive Touching 11-601 Misd. (Unclass.) None OR - \$50 unsecured
Official Misconduct 11-1211 Misd. (A) None OR - \$500 unsecured

P

Patronizing a Prostitute 11-1343 Misd. (Unclass.) None OR - \$50 unsecured
Perjury I 11-1223 Felony (D) Lv2 \$1,000- 5,000 unsecured
Perjury II 11-1222 Felony (F) Lv2 \$250 - 1,500 unsecured
Perjury III 11-1221 Misd. (A) None OR - \$500 unsecured
Possession of Burglars Tools 11-828 Felony (F) Lv2 \$250-1,500 unsecured
Poss. Animal After Felony Cruelty Convict. 11-1325(d) Felony (F) Lv2 \$250 - 1,500 unsecured
Poss. Animal After Misd. Cruelty Conviction 11-1325(c) Misd. (A) None OR - \$500 unsecured
Possession of Child Pornography 11-1111 Misd. (A) None OR - \$500 unsecured
Possession C/S within 1000' of School 16-4767 Felony (G-viol.) Lv3 \$250- 1,000 secured
Possession C/S within 300' of Park 16-4768.1 Felony (G-viol.) Lv3 \$250-1,000 secured
Poss. Deadly Weapon Dur. Comm. Felony 11-1447 Felony (B-viol.) N/A \$10,000–30,000 secured
Possession of Fireworks 11-6905 Misd. (Unclass.) None OR - \$50 unsecured
Poss/Purch. Weapon by Person Prohibited 11-1448 Felony (F) Lv2 \$250 - 1,500 unsecured
Poss. Deadly Weapon Person Proh. (M-DV) 11-1448(a)7 Felony (F-viol.) Lv4.HCP/Lv3 \$250- 1,500 secured
Poss. Deadly Weapon Person Proh. (PFA) 11-1448(a)6 Felony (F-viol.) Lv4-HCP/Lv3 \$250 -1,500 secured
Poss./Dealing Dev. Take Tel. Services (5+) 11-850 Felony (G) Lv2 \$250 -1,000 unsecured
Poss./Dealing Dev. Take Tel. Services 11-850 Misd. (Unclass.) None OR - \$50 unsecured
Possession of Destructive Weapon 11-1444 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Possession of Drug Paraphernalia 16-4771 Misd. (A)* None \$500-1,000 unsecured
Poss. Firearm Dur. Comm. Felony 11-1447A Felony (B-viol.) N/A \$10,000-30,000 secured
Poss. Firearm by Person Prohibited 11-1448(c) Felony (D-viol.) Lv4-HW/HCP \$1,000-5,000 secured
Poss. Firearm by Person Proh. (DV) 11-1447a7 Felony (D-viol.) Lv4-HW/HCP \$1,000-5,000 secured
Poss. Firearm Under PFA Order 11-1448a5 Felony (D-viol.) Lv4-HW/HCP \$1,000-5,000 secured
Possession of Forgery Devices 11-862 Felony (G) Lv2 \$250-1,000 unsecured
Possession of Gambling Device 11-1405 Misd. (A) None OR - \$500 unsecured
Possession of Hypodermic Needle/Syringe 16-4757(c) Misd, (Unclass.)* None \$500 - 1,000 unsecured
Poss/Use/Cons. Of Narcotics (I st) 16-4753 Misd. (A)* Lv2 \$500 -1,000 unsecured
Poss/Use/Cons. of Narc. (prior title 16 conv.) 16-4763 Misd. (A)* Lv2 \$250 -1,000 secured
Poss/Use/Cons. of Non-Narcotic Drug 16-4754 Misd. (B)* None \$500 -1,000 unsecured
Poss. Of Noncontrolled Prescription Drug 16-4754A Misd. (B)* NONE \$500 -1,000 unsecured
Poss. Weap. School/Rec. Zone (under. FE) 11-1457(j)3 Felony (D) Lv2 \$1,000 - 5,000 unsecured
Poss. Weap. School/Rec. Zone (under. FF) 11-1457(j) Felony (E) Lv2 \$500 - 3,000 unsecured
Poss. Weap. School/Rec. Zone (under. FG) 11-1457(j) Felony (F) Lv2 \$250 -1,500 unsecured
Poss. Weap. School/Rec. Zone (under. MB) 11-1457(j) Misd. (A) None OR - \$500 unsecured
Poss. Weap. School/Rec. Zone (under. ML) 11-1457(j) Misd. (B) None OR - \$1 00 unsecured
Profiteering 11-1212 Misd. (A) None OR - \$500 unsecured
Promoting Prison Contraband (weapon) 11-1256 Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Promoting Prison Contraband 11-1256 Misd, (A) None OR - \$500 unsecured
Promoting Prostitution I 11-1353 Felony (C-viol.) Lv4-HW \$2,000-10,000 secured
Promoting Prostitution II 11-1352 Felony (E) Lv2 \$500 - 3,000 unsecured
Promoting Prostitution III 11-1351 Felony (F) Lv2 \$250 – 1,500 unsecured
Promoting Suicide 11-645 Felony (F-viol.) Lv4-HCP/Lv3 \$250-1,500 secured
Prostitution 11-1342 Misd. (B) None OR - \$100 unsecured
Prostitution, Permitting 11-1355 Misd. (B) None OR - \$100 unsecured
Providing False Child Abuse Information 11-8562(b) Felony (G) Lv2 \$250 - \$1,000 unsecured

Providing Obscenity to Minor 11-1361 Felony (E) Lv2 \$500 - 3,000 unsecured
Providing Premises for Gambling (2nd w/in 5 yr) 11-1404 Misd. A (o&d) None OR - \$500 unsecured
Providing Premises for Gambling (1st off) 11-1404 Misd. (Unclass.) None OR - \$50 unsecured
Public Intoxication (3- within 1 year) 11-1315 Misd. (Unclass.) None OR - \$50 unsecured
Public Intoxication (<3 within 1 year) 11-1315 Violation None OR - \$25 unsecured

R

Racketeering 11-1504(a) Felony (B-viol.) N/A \$10,000 - 30,000 secured
Rape I 11-773 Felony (A) N/A \$20,000 - 50,000 secured
Rape II 11-772 Felony (B-viol.) N/A \$10,000 – 30,000 secured
Rape III 11-771 Felony (B-viol.) N/A \$10,000 – 30,000 secured
Rape IV 11-770 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Receiving a Stolen Firearm 11-1450 Felony (F) Lv2 \$250 – 1,500 unsecured
Receiving Stolen Prop. (> \$1000 or 3rd off.) 11-851 Felony (G) Lv2 \$250 - 1,000 unsecured
Receiving Stolen Property < \$1000 11-851 Misd. (A) None OR - \$500 unsecured
Receiving Unlawful Gratuity by Public Serv. 11-1206 Misd. (A) None OR - \$500 unsecured
Reckless Burning (damage > \$1500) 11-804 Felony (G) Lv2 \$250 - 1,000 unsecured
Reckless Burning (damage <\$1500) 11-804 Misd. (A) None OR - \$500 unsecured
Reckless Endangering I 11-604 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Reckless Endangering II 11.603 Misd. (A-viol.) Lv2 OR - \$500 unsecured
Refusal to Allow Inspection 16-4755(a)4 Felony (F) Lv2 \$250 - 1,500 unsecured
Refusal to Permit Photos/Fingerprinting 11-8522 Misd. (A) None OR - \$500 unsecured
Refusal/Neglect to Make Report 11-8523(a) Misd. (A) None OR - \$500 unsecured
Refusing to Aid a Police Officer 11-1241 Misd. (B) None OR - \$100 unsecured
Registration of Out-of-State Liquor Agent 11-1316 Violation None OR - \$25 unsecured
Removing Firearm From Law. Enforce. Off. 11-1458 Felony (C-viol.) Lv4-HW \$2,000 –10,000 secured
Resisting Arrest 11-1257 Misd. (A) None OR - \$500 unsecured
Riot 11-1302 Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Robbery I 11-832 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Robbery II 11-831 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured

S

Sale of Fireworks 16-6905 Misd. (Unclass.) None OR - \$50 unsecured
Sale of Transferred Recorded Sound 11-921 Misd. (A) None OR - \$500 unsecured
Sexual Exploitation of a Child 11-1108 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Sexual Extortion 11-776 Felony (E-viol.) Lv4-HCP/Lv3 \$500 – 3,000 secured
Sexual Harassment 11-763 Misd. (Unclass.) None OR - \$50 unsecured
Sex Offender Failure to Comply w/4120 11-4120.2 Felony (G) Lv2 \$250 - 1,000 unsecured
Sex Offender, Failure to Register 11-4120.1 Felony (G) Lv2 \$250 - 1,000 unsecured
Sex Offender Living w/i 500' of School 11-1112 Felony (G) Lv2 \$250 - 1,000 unsecured
Sex Offender Loitering w/i 500' of School 11-1112 Felony (F) Lv2 \$250 - 1,500 unsecured
Sexual Relations in Detention Facility 11-1259 Felony (G) Lv2 \$250 - 1,000 unsecured
Shoplifting > \$1000 11-840 Felony (G) Lv2 \$250 - 1,000 unsecured
Shoplifting < \$1000 11-840 Misd. (A) None OR - \$500 unsecured
Smoking on Bus or Trolley 11-1327 Violation None OR - \$25 unsecured
Stalking (w/poss. of deadly weapon) 11-1312A Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Stalking (threat of death/serious injury) 11-1312A Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Stalking 11-1312A Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Substances Releasing Vapors/Fumes 11-627 Misd. (Unclass.) None OR - \$50 unsecured

T

Tampering With a Juror 11-1266 Misd. (A) None OR - \$500 unsecured
Tampering with Physical Evidence 11-1269 Felony (G) Lv2 \$250 – 1,000 unsecured
Tampering with Public Records I 11-876 Felony (E) Lv2 \$500 - 3,000 unsecured
Tampering with Public Records II 11-873 Misd. (A) None OR - \$500 unsecured
Terroristic Threat, (bomb-school/day care) 11-621(a)2 Felony (F) Lv2 \$250 – 1,500 unsecured
Terroristic Threatening (cause evacuation) 11-621(a)2 Felony (G). Lv2 \$250 - 1,000 unsecured
Terroristic Threatening 11-621 Misd. (A-viol.) Lv2 OR - \$500 unsecured
Theft > \$100,000 11-841 Felony (C) Lv3 \$2,000 - 10,000 unsecured
Theft > \$50,000 but < \$100,000 11-841 Felony (E) Lv2 \$500 - 3,000 unsecured
Theft > \$1,000 (victim 60+) 11-841 Felony (F) Lv2 \$250 - 1,500 unsecured
Theft >\$1,000 11-841 Felony (G) Lv2 \$250 - 1,000 unsecured
Theft < \$1,000 (victim 60+) 11-841 Felony (G) Lv2 \$250 - 1,000 unsecured
Theft <\$1,000 11-841-45 Misd. (A) None OR - \$500 unsecured
Theft of Firearm 11-1451 Felony (F) Lv2 \$250 - 1,500 unsecured
Theft of Rental Property > \$1000 11-849 Felony (G) Lv2 \$250 - 1,000 unsecured
Theft of Rental Property < \$1000 11-849 Misd. (A) None OR - \$500 unsecured
Threat to Public Officials 11-1240 Felony (G) Lv2 \$250 - 1,000 unsecured

Threat/intimidation to Withdraw Med. Maint. 16-2513 Misc. (Unclass.) None OR - \$50 unsecured
Ticket Scalping (2nd offense) 11-91S Misd. (A) None OR - \$500 unsecured
Ticket Scalping (1st offense) 11-913 Misd. (B) None OR - \$100 unsecured
Tobacco Sales Violations (11-1115 - 1120) 11-1115+ Violation None OR - \$25 unsecured
Trading in Human Remains/Funeral Objects 11-1333 Misd. (B) None OR - \$100 unsecured
Trafficking in Cocaine 16-4753A Felony (B-viol.)* N/A \$2,000 secured per gram
Trafficking in Food Stamps (w/ Drugs/Weap.) 31-610 Felony (B-viol.)* N/A \$10,000 - 30,000 secured
Trafficking in Hashish 16-4753A Felony (B-viol.)* N/A \$1,000 secured per pound
Trafficking in Marijuana 16-4753A Felony (B-viol.)* N/A \$1,000 secured per pound
Trafficking in Meth./Amphet/PCP/Etc. 16-4753A Felony (B-viol.)* N/A \$1,000 secured per gram
Transfer of Recorded Sounds 11-920 Felony (G) Lv2 \$250 - 1,000 unsecured
Trespassing With Intent to Peep/Peer 11-820 Misd. (B) None OR - \$100 unsecured

U

Unauthorized Manuf./Distrib. Control: Sub. 16-4755(a) 2 Felony (F) Lv2 \$250 - 1,500 unsecured
Unauthorized Use/Poss. Food Stamps > \$500 31-610 Felony (E) Lv2 \$500 - \$3,000 unsecured
Unauthorized Use/Poss. Food Stamps < \$500 31-610 Misd. (A) None OR - \$500 unsecured
Unauthorized Use of Motor Vehicle 11-853 Misd. (A) None OR - \$500 unsecured
Unlawful Admin. Of C/S, Counterfeit or Narc 11-626 Felony (G) Lv2 \$250 - 1,000 unsecured
Unlawfully Administering Drugs 11-625 Misd. (A) None OR - \$500 unsecured
Unlawful Concealing Will 11-908 Felony (G) Lv2 \$250 - 1,000 unsecured
Unlawful Conversion of Benefits - \$10,000+ 31-1006 Felony (C) Lv3 \$2,000 - 10,000 unsecured
Unlawful Conversion of Benefits - \$500-10K 31-1006 Felony (E) Lv2 \$500 - \$3,000 unsecured
Unlawful Conversion of Benefits <\$500 31-1006 Misd. (A) None OR - \$500 unsecured
Unlawful Dealing with Child 11-1106 Misd. (B) None OR - \$100 unsecured
Unlawful Deal. with Child Porno, (sub.) 11-1110 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Unlawful Dealing with Dangerous Weapon (transfer to person knowing he/she will commit a felony) 11-1445(5) Felony (E-viol.) Lv2 \$500 - 3,000 secured
Unlawful Dealing with Dangerous Weapon (transfer firearm to child < 18) 11-1445(4) Felony (G) Lv2 \$250 - 1,000 unsecured
Unlawful Dealing with Dangerous Weapon 11-1445 Misd. (Unclass.) None OR - \$50 unsecured
Unlawful Deal. with Knuckles/Combo Knife (In safe school or recreation zone) 11-1452 Misd. (A) None OR - \$500 unsecured
Unlawful Deal. with Knuckles/Combo Knife 11-1452 Misd. (B) None OR - \$100 unsecured
Unlawful Deal. with Martial Arts Throw. Star (In safe school or recreation zone) 11-1453 Misd. (A) None OR - \$500 unsecured
Unlawful Dealing with a Switchblade Knife 11-1446 Misd. (Unclass.) None OR - \$50 unsecured
Unlawful Deal. with Martial Arts Throw. Star 11-1452 Misd. (B) None OR - \$100 unsecured
Unlawful Deal. Mat. Depict. Child Proh. Acts 11-1109 Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Unlawful Delivery of Non-controlled Sub 16-4752A Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Unlawful Disruption School (repealed - 5'96) 11-1303 Felony (G) Lv2 \$250 - 1,000 unsecured
Unlawful Dissemination of Gambling Info. 11-1411 Misd. (A) None OR - \$500 unsecured
Unlawful Distrib., Use of Fraud to Obtain or Supply False Info To Obtain C/S 16-4756 Felony (F) Lv2 \$250 - 1,500 unsecured
Unlawful Grand Jury Disclosure 11-1273 Misd. (B) None OR - \$100 unsecured
Unlawful Imprisonment I 11-782 Felony (G-viol.) Lv3 \$250- 1,000 secured
Unlawful Imprisonment II 11-781 Misd. (A) None OR - \$500 unsecured
Unlawful Permitting Minor Access to Firearm 11-1456 Misd. (A) None OR - \$500 unsecured
Unlawful Sexual Contact I 11-769 Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Unlawful Sexual Contact II 11-768 Felony (G-viol.) Lv3 \$250- 1,000 secured
Unlawful Sexual Contact III 11-767 Misd. (A-viol.) Lv2 OR - \$300 unsecured
Unlawful Sexual Intercourse I (repealed) 11-775 Felony (A) N/A \$20,000 - 50,000 secured
Unlawful Sexual Intercourse II (repealed) 11-774 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Unlawful Sexual Intercourse III (repealed) 11-773 Felony (C-viol.) Lv4-HW \$3,000 - 10,000 secured
Unlawful Sexual Intercourse III (repealed) 11-773(3) Felony (B-viol.) N/A \$10,000 - 30,000 secured
Unlawful Sexual Penetration I (repealed) 11-772 Felony (C-viol.) Lv4-HW \$2,000 - 10,000 secured
Unlawful Sexual Penetration II (repealed) 11-771 Felony (D-viol.) Lv4-HW/HCP \$1,000 - 5,000 secured
Unlawful Sexual Penetration III (repealed) 11-770 Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Unlawful Transfer Firearm for Comm. Crime 11-1445(5) Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Unlawful Transfer Firearm to Child 11-1445(4) Felony (G) Lv2 \$250 -1,000 unsecured
Unlawful Transportation of Dead Body 16-3111(b) 2 Misd. (A) None OR - \$500 unsecured
Unlawful Use of Consumer I.D. Info. 11-914 Misd. (Unclass.) None OR - \$50 unsecured
Unlawful Use of Credit Card > \$1000 11-903 Felony (G) Lv2 \$250 -1,000 unsecured
Unlawful Use of Credit Card < \$1000 11-903 Misd. (A) None OR - \$500 unsecured
Unlawful Use of Credit Card Info. 11-915 Misd. (Unclass.) None OR - \$50 unsecured
Unlawful Use of Criminal History Info. 11-8523(d) Misd. (A) None OR - \$500 unsecured
Use of Animal to Avoid Capture (fel. /injury) 11-1257A Felony (G-viol.) Lv3 \$250 -1,000 secured
Use of Animal to Avoid Capture (misd.) 11-1257A Misd. (A) None OR - \$500 unsecured

V

Vehicular Assault I 11-629 Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Vehicular Assault II 11-628 Misd. (B) None OR - \$100 unsecured

Vehicular Homicide I 11-630A Felony (E-viol.) Lv4-HCP/Lv3 \$500 - 3,000 secured
Vehicular Homicide II 11-630 Felony (F-viol.) Lv4-HCP/Lv3 \$250 - 1,500 secured
Video Privacy Protection 11-925 Misd. (Unclass.) None OR - \$50 unsecured
Violations Concerning Vital Stat. Records 16-3111 Misd. (Unclass.) None OR - \$50 unsecured
Violation of Privacy (tape, photo, film) 11-1335(a) 6 Felony (G) Lv2 \$250 - 1,000 unsecured
Violation of Privacy 11-1335(a) Misd. (A) None OR - \$500 unsecured

W

Wearing Body Armor Dur. Comm. Felony 11-1449 Felony (B-viol.) N/A \$10,000 - 30,000 secured
Wearing Disguise Dur. Comm. Felony 11-1239 Felony (E) Lv2 \$500 - 3,000 unsecured
Willful Neglect/Violation of Tit. 31, Chap. 31 16-3111(b) 3 Misd. (A) None OR - \$500 unsecured
Willful Refusal to Give Vital Record Info. 16-3111(b) 1 Misd. (A) None OR - \$500 unsecured
Wiretapping 11-2402(a) Felony (E) Lv2 \$500 - 3,000 unsecured
Wiretapping, Divulg. Cont. of Comm. (2+ off) 11-2402(c) 1 Felony (F) Lv2 \$250 - 1,500 unsecured
Wiretapping, Divulg. Cont. of Comm. (1st off) 11-2402(e) 2 Misd. (A) None OR - \$500 unsecured
Wiretapping, Divulg. Cont. of Comm. (1st off and *not* for illegal purpose, radio, cell ph.) 11-2402(e) 3 Misd. (Unclass.) None OR - \$50 unsecured
Wiretapping, Poss/Sale of Intercept. Device 11-2403 Felony (F) Lv2 \$250 - 1,500 unsecured